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WHOLE No. 2493.

## PAIAI CONTRACT IS TEXT FOR PLENTY OF HOUSE ORATORY

### The Entire Afternoon Spent Over Judge Kalua's Claims For Damages.

After a day of labor, of oratory, of roll calls, the House yesterday got through the Unpaid Bills measure, all but the reading of the report of the committee of the whole to the House, on second reading of the bill. This report will be read this morning; it takes some time to prepare such a document, as all the amendments must be set forth, and then the second passage of the bill will be had, so that its final consideration may be confidently expected for Saturday morning.

There were two items which consumed the entire day, but on these the argument was as heated as though hundreds of thousands were at stake. Instead of a comparatively few hundreds. The Molokai health bill proposition was up and was talked over for more than an hour, ending in the indefinite postponement of the matter. This with some talk over what shall be done by the officials of the House as to the production of the records in court took up the morning. The record was finally produced.

The entire afternoon was occupied with the paiai matter, there being a long talk over the four claims of Judge Kalua for repayment of some \$1,500 on various pretexts. The larger items of claims, involving respectively 500, 500 and 166 bundles of paiai were all passed by large majorities, but when it came to a small item, something like \$35, the House fell upon it in a spasm of virtue, and it was knocked out.

The members of the House have shown that they were in earnest in their talking for the lepers, in that they have raised \$35 for the June 11 holiday, which is quite a deal more than was subscribed by the upper house.

#### IN THE HOUSE.

The House had to wait a few minutes for its stenographer and clerk, who were in court, but work was started immediately.

The Senate asked what had been done as regards the Senate amendments to the six months current expense bill, which by the way was laid over until today.

The Finance Committee reported favorably upon the request of the Public Works office for \$409.23 for meeting small bills and the report was adopted.

#### DIVIDED ON PAIAI CLAIMS.

On the special topic of paiai claims against the Board of Health, the committee was divided, Messrs. Nakaleka and Hala saying that Judge Kalua had a good and sufficient claim against the Board and recommended that \$1,520.60 be inserted in the unpaid bills measure to meet it.

Harris had a minority report on the paiai question. In its course he said that the first claim for 600 bundles, shipped regularly, without notification to the contrary, and refused, should be paid for. In the matter of 500 bundles, shipped September 22, without order, simply because he had heard that the board was buying outside, the fact that the contract was not exclusive was stated and payment refused recommended. In regard to the refusing of 166 bundles out of a shipment of 500 bundles on November 18, 1902, Harris showed that the paiai had remained at the wharf one week awaiting shipment, and that portion of the goods packed in four bags had spoiled. He argued therefore that it was not in good condition when shipped and was opposed to payment.

#### INTERFERENCE OF COURTS

Andrade raised the question of the court's interference with the House, asking what course was being taken. The subpoena had been returned. The Vice Speaker said that the House was delayed fifteen minutes by the courts this morning, and another subpoena had been served on the stenographer commanding him to appear in the court and produce the journal of the regular session.

Andrade said that in effect the journal of the last session was in possession of the Secretary of the Territory. He said the United States Supreme court had held that the Journal of the House was not evidence but a certified copy of the act was the proper evidence. He said that he could see no way in which the officers could escape appearance. However, they could not produce documents in the control of officers of the Territory. Chillingworth and Paele supported this contention. Knudsen wanted to know what

would be done if the hour of meeting came without the officers being present. It was the opinion of all that the courts would not endeavor to interfere with the conduct of the Legislature.

#### NO PAY FOR MOLOKAI MEN.

The House then went into committee of the whole house on the unpaid bills measure, two items pending. The first one called up was the item "pay of guards Molokai during bubonic plague, \$1,020. Kanoho began the argument by declaring that health guards on other islands were paid. Kumalae said the work had been done and the men should be paid. Chillingworth said that he did not know of any such bill for guards being paid, and Kellinot made the point that if these claims were legal, there were others from other islands who would have just claims. Fernandez opposed the appropriation, saying that no pestilence was actually present, the guards were not appointed according to law, and there should be no more consideration for the Molokai people than for those on other islands.

Paele said the item was a just one, calling attention to expenditures elsewhere.

The motion of Chillingworth to indefinitely postpone was then put and carried fourteen to ten. The committee rose and the House took a recess, after more talk about what course should be followed as to the records of the House and the Circuit Courts, the whole thing falling through when it was found that the Court had ruled out that evidence and records need not be produced.

#### ROADS AND A CHAPLAIN.

When the afternoon session opened Kealawa again introduced resolutions calling for the appropriation of \$1,500 for a road to the Pahoehome, Puna and \$2,000 for a road through the District of Kamali, at Puna to meet the Volcano road. Both went to the Hawaii delegation.

There was a long discussion over receiving an oral report from the miscellaneous committee, the chairman being absent, on the application of the Rev. H. Manasse, for pay as chaplain at Oahu prison, 20 months at \$25, which was accepted and the report adopted inserting the amount in the unpaid bills measure.

#### PAIAI AND ORATORY.

The House at once took up the unpaid bills in committee of the whole, the paiai matter being the only one to be considered. On motion of Nakaleka to insert the item, the discussion began. He talked at length, making the points that Kalua had the right to ship to the maximum of the contract 2,400 bundles. Pail, Paele, Kalama and others argued the same way.

Harris insisted that the contract should be regarded in settling the question.

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## TO BE OR NOT TO BE FOR COUNTIES

### Fight is On Over Validity of Act 31—Legislative Clerks Compelled to Produce Records—Fine Point of Hawaii's Status Involved.

Before Judge Gear at nine o'clock yesterday morning, the judicial battle over the validity of the County Act began. Superintendent of Public Works H. E. Cooper appeared, under temporary mandamus, to show cause why he should not deliver up to Governor Dole and others, constituting the Board of Public Institutions created by that purported law of the Territory, the control of such public works and buildings as the County Act places in charge of the body mentioned. A member of the bar and a former Circuit Judge himself, Mr. Cooper took an active part in the proceedings from the opening and was attended by George A. Davis, E. B. McClanahan and S. H. Derby as counsel. Attorney General Lorrin Andrews was unassisted in representing the Board of Public Institutions.

Sol. Meheula, clerk of the House of Representatives, on taking the stand testified that the journals of the House for the regular session were in the custody of H. P. Thielen, stenographer. Mr. Thielen being brought in stated he had not obeyed the subpoena to the extent of bringing the journals because he had no authority therefor.

Judge Gear, after argument for the respondent, ordered Mr. Thielen to produce the records, for the convenience of the House of Representatives giving him until 12 o'clock. In the meantime the sergeant-at-arms of the House, later reinforced by the vice-speaker, had appeared on the scene to compel the attendance of the clerk and stenographer in the House. Justice was blind to the chip on the legislative shoulder and so fiction was avoided. It was mentioned that the hearing had been set for the early hour of nine in order that the House officers might testify before the usual opening hour of the Legislature.

George R. Carter, Secretary of the Territory, failed to obey the court's subpoena and Judge Gear was going to issue a bench warrant to bring him, but this disagreeable necessity was also avoided by a judicious use of the telephone. There was some argument before the court ruled on its power, holding that even the Governor was obliged to respond to a summons of the court. Mr. Davis contributed to the gaiety of the occasion by declaiming:

"George R. Carter is not President of the United States, but he thinks he is next to it."

Mr. McClanahan early raised the point that it was not enough to produce a printed copy of a law, but it was competent to require proof that every necessary condition of the passing of a law had been performed. One of such conditions in this Territory was that a bill must have been read a third time, section by section, in each branch of the Legislature. This point is a leading one in the case, being founded on the following section of the Organic Act:

"Sec. 46. That a bill in order to become a law shall, except as herein provided, pass three readings in each house on separate days, the final passage of which in each house shall be by majority vote of all the members to which such house is entitled, taken by ayes and noes and entered upon its journal."

William Savidge, clerk of the Senate, came upon the stand without the journals he was commanded by subpoena to produce. He considered he was not empowered to obey without the order of the Senate. Again there was argument, in the course of which Mr. Andrews stated that it ought to be the desire of both sides to procure as much light as possible on the subject.

Judge Gear ordered the witness to fetch the journals and, when the witness said parts of them were distributed among committees, it was agreed that he bring the minutes of the 48th day and the copy of Senate bill No. 1 as it passed third reading in the Senate. He was given until 11 o'clock to comply with the order.

Mr. McClanahan said it seemed to him that, in a matter of so much importance, it should be the desire of both parties to have as much light as possible thrown upon it. The court was not supposed to know what the bill contained on its passage. Counsel did not know even if there was an engrossed copy. He quoted in his argument Cooley, the constitutional authority, Greenleaf on Evidence and a Wyoming decision, all upholding the doctrine that it was the duty of the courts to inquire into a law and find if it had passed by a majority of both houses.

Mr. Andrews reiterated his statement of the desirability of having full light on the subject. He quoted two federal decisions for the doctrine that investigation of the validity of a law, with respect to its passage, cannot go behind the engrossed copy certified by the legislative officers. How, in a case that would undoubtedly go before the United States Supreme Court, it could be ruled that the matter turned on the journals was more than he could see. The idea was absurd.

"Hasn't the United States Supreme Court ever reversed itself?" Mr. Davis asked.

"Well, after two decisions like these it is not going to reverse itself to please the Territory of Hawaii," the Attorney General replied.

Judge Gear did not see the absurdity when a majority of the States adopted the contrary practice. However, he would reserve his ruling on the admissibility of the journals until he had perused the citations. The States referred to by the court, which will not go behind the certified copy of a law, are the following named:

Alabama, Arkansas, California, Florida, Illinois, Kansas, Kentucky, Indiana, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New York, Ohio, Oregon, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, Wyoming.

Secretary Carter having arrived took the stand and produced the copy of Act 31 as signed by the Governor. It was closely scanned for some minutes by Messrs. Cooper, McClanahan and Derby. Witness testified that the document was received by him from the Governor and that it was taken out of his own office safe that morning. The journals of the session were not yet complete. He was waiting to receive them from the clerks.

"Do you record the proceedings of the legislative body?"

"I do not."

"Why do you not?" Mr. McClanahan asked.

"Because the Legislature refused to allow my predecessor to record the proceedings. The interpretation put on the Organic Act was that the Secretary was to record the proceedings as he received them from the clerks."

Clerk Savidge came upon the stand again and acknowledged his signature to the certificate to Senate Bill No. 1. After a point on admissibility of evidence was argued between Messrs. Cooper and Andrews, the court reserving decision on the main question, witness read the ayes and noes on third reading of the bill. The vote was 14 ayes and one absentee. He then identified the conference committee report as presented to the Senate by Senator Cecil Brown.

Judge Gear interrupted the reading of the report by Mr. McClanahan, saying he had been looking at an Arizona case handed to him. According to this decision of the Supreme Court of the Territory of

## THE DAMAGE TO KANSAS RAILWAYS IS ENORMOUS

### The President's Journey Ends and He Returns to His Duties at Washington.

(ASSOCIATED PRESS CABLEGRAMS.)

KANSAS CITY, June 4.—The damage done to the railroads alone by the recent floods amounts to \$10,000,000. Epidemics are expected among the refugees.

#### The Deutschland Aground.

NEW YORK, June 4.—The crack steamer Deutschland is ashore in Gedney channel.

The Deutschland, "greyhound of the Atlantic fleet," is of the Hamburg-American line. She was built at Stettin in 1900, is 686 feet long, sixty-seven feet broad, and forty-four feet deep. She holds the trans-Atlantic speed record.

#### President's Trip Over.

DANVILLE, June 4.—The President's last scheduled speech was made here today. Roosevelt's trip ended tonight. At Indianapolis he was greeted in the rain by 5000 people. He leaves for Washington immediately.

#### Bulgarians Cross the Line.

SALONICA, June 4.—There is a renewal of the frontier troubles. One thousand Bulgarians have crossed the line and minor fights are occurring.

#### Railroads to the Arctic.

SEATTLE, June 4.—Material is awaiting shipment here for a railroad to Solomon City and Council City, and later to Cape York and Nome.

#### Columbia and the Canal.

BOGOTA, June 4.—Order has been restored throughout Colombia. Congress is about to assemble to consider the canal treaty.

#### Lipton's Racing Fleet.

FAYAL, June 4.—The two Shamrocks and the steam yacht Erin sailed from this port today.

#### Millions Go in Smoke.

NEW YORK, June 4.—Forest fires in Canada and New England have caused a loss of several millions of dollars.

#### Seven Killed.

STILLWELL, N. M., June 4.—In a collision on the Santa Fe seven were killed.

Arizona, as sustained by the United States Supreme Court, the evidence now being offered was all immaterial.

Mr. McClanahan submitted that, while the Supreme Court decided the Arizona case that way, it left each State and Territory to adopt whichever course it chose. In reply to the court's remark that the decision related to Arizona as a Territory when it was under the same federal limitations as the Territory of Hawaii is now, Mr. McClanahan said that would hold if this were to be treated as a federal question, but he considered it a purely local one. Arizona decided the way the Federal Supreme Court looked at it. If the Hawaiian Supreme Court decided the present question the other way, the probability was that the United States Supreme Court would sustain it.

Judge Gear commented that if it were the Supreme Court of Illinois, the United States Supreme Court would decide according to the constitution and laws of Illinois, but the relation of a Territory to the Federal Supreme Court was different. Mr. McClanahan having asked to know the difference, the court stated that the States had certain powers reserved to them which Territories had not. The Federal Supreme Court would construe the laws of a State in accordance with the manifest intent of its Legislature.

Mr. McClanahan here raised a point that seemed later to have made a strong impression upon both the court and opposite counsel, the fact on which it was based being undoubted. It was that there was a distinct peculiarity in the relation of the Supreme Court of Hawaii toward the Federal Supreme Court as compared with the situation of other Territories in that regard. The Supreme Court of the United States had held that the Supreme Court of Hawaii had a standing analogous to the Supreme Court of a State. He had not read the Arizona case and would like to do so before the court made its final ruling. If the Arizona decision was based on the ground that Arizona was a Territory, then he claimed that it did not apply to Hawaii.

Judge Gear remarked that he felt bound by a decision of the United States Supreme Court, at least where the Hawaiian Supreme Court had not spoken, and he was not sure that he was not so bound even where the Hawaiian Supreme Court had spoken. While reserving his ruling, he said if the Arizona decision was the latest of the United States Supreme Court, he did not see how it could be evaded.

At the afternoon session there was another wrangle over the admission of the documentary evidence offered. The court admitted it subject to amendment after the ruling on the main question.

Clerk Savidge, after identifying Senate Bill No. 1 for the purposes of an exhibit, stated that he did not think he could produce the journals

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# TREASURY MEN ARE IN FAVOR WITH THE LEGISLATORS

## Salaries There Range Higher Than In Other Governmental Departments.

(From Wednesday's Daily.)

The House spent yesterday practically upon the Treasurer's office. It was a day of oratory, for little actual work was accomplished. The most important piece of legislation, was the placing of the range of salaries in this office above the other offices of the government so far reached.

The Treasurer was given \$2,250 for the half year, one member naively remarking that the Attorney General had only to look up the law on subjects as asked by other officials, while the Treasurer had plenty to do watching the money. The registrar was left alone but the deputy was boosted as was the stenographer. The same officer in the bureau of conveyances was aided, while the surveyor received a substantial addition to the bill's allowance.

Work stopped suddenly when the Public Works office was reached, as the payrolls had been made out and the Treasury was supposed to have money. It was not ready, however, and so the members had to wait a time. The proposal to make a new official, a commissioner of immigration, was well received and will be pressed by the committee in charge.

Besides its final passing of the House expense bill, which during the afternoon brought the joy of possession of coin to the Representatives, the Senate yesterday passed the Board of Health items in the eighteen months' appropriation bill. They amount to \$435,925 which is at the rate of \$203,950 a year. This is apart from the salaries and payrolls of the Territorial health establishment. A point was strained, in the interest of philanthropy, to afford aid to the Kona Orphanage. With the decision of the bonds' fate this morning the Senate will have completed the second reading of this bill.

### IN THE HOUSE.

As soon as the House got down to business it was to hear the report of the conference committee on the \$7,000 expense bill, which had been amended as to title in the Senate. The report is as follows:

"Your Conference Committee to whom was referred House Bill 4, entitled an Act to appropriate money for the purposes of defraying the expenses of translation and printing the journal of the House of Representatives of the regular session of the Legislature of the Territory of Hawaii of the year 1903 from the public treasury, begs leave to report as follows:

"Amend the title of the bill by inserting the word 'preparation' between the word 'of' and 'translation'."

"The same amendment to be made in the third line of the first section of said bill by inserting the word 'preparing' between the words 'of' and 'translation'."

"With these amendments we recommend the bill pass."

"Without a dissenting vote and with twenty-four ayes the report was adopted."

Kaill, when the House had passed into committee of the whole on Senate Bill No. 2 the salaries measure, wanted to reconsider the salary of the district judge at Koloa but he was ruled out of order.

### QUIT THE ECONOMY PLAN.

The House had recovered from its fit of economy and refused to cut the deputy sheriff of Maui from \$750 to \$600. The Hana deputy sheriff was given \$450 instead of \$420, and a new deputy was proposed for Honouliuli at \$270, this bringing up a long discussion, which ended when the consideration was deferred until the paragraph "Pay of police" should be reached. Kaill made an attack on the Molokai deputy which failed and then the Maui police item was referred to the island delegation. Kaill went through as in the bill, on motion of Randall, the item of police pay being passed without reference to the delegation.

Oahu's deputies likewise went through, and the police pay item was referred to the local delegation. The items of jailors, guards and lunas were referred to Pulua and Fernandez, Kalamia, Vida, Kupieha and Kaill.

When the item "detective services" was reached Kupieha moved that it be stricken out as there was too much detective service. On motion of Vida however it was passed at \$2400, to be divided as follows: Oahu \$1200, Hawaii \$900, Maui \$300, Kauai \$300.

### TREASURER'S SALARY.

The Treasurer's department was here brought up and immediately there arose a question of equity. Harris moved to make the salary \$1500 the same as that paid down for the Attorney-General. Aslett supported this as did Keala-wa, both saying that it would be injustice to decrease the salary where the office was filled by a white man and hold it up where a Hawaiian was in office. Fernandez moved to do as all an Attorney-General had to do was to look at the law while the Treasurer had to look after the money, supervise the work of the office, have charge of insurance and other matters. Knith broke out in a new phase making a long speech on the basis that the Treasurer had no assistants but to do all himself and therefore was entitled to more pay than the Attorney-General who had assistants.

Harris showed by the figures that were used yesterday against the Attorney-General's salary, that he states on the 1st of July he Attorney-General was paid \$12,000 and also that the Treasurer of great States got less salary than was proposed here. He argued that he thought all heads of departments should be on a \$12,000 but that the work upon the various heads was proportionate. Harris said economy would be better served by cutting out superfluous clerks. In closing he urged that all of the heads should be put on the same basis. Pulua wanted action deferred but the House would not.

neither would it agree to pass the item at \$1800, the economists of yesterday when it was Attorney-General Andrews, turning face about and voting largely in the majority, which finally passed the item as in the bill at \$2,250. The committee then rose.

The clerk read Senate communications telling of the Senate's agreement to the conference report on the journal appropriation and also of the passing of the House expense bill. The committee on enrollment announced that the bills had been sent to the Governor, after which the House took a recess.

### MINOR OFFICERS GO THROUGH.

The registrar of public accounts came in for a little discussion at the afternoon session. A motion by Kupieha, that the salary be \$1750, instead of \$1500 was followed by a proposal by Long that the salary be \$1,350, which he said should be followed by the raising of the deputy registrar, as both give the same bond, and have practically similar responsibility.

Gandall and Harris argued for the salary as in the bill and that was the final decision. For the assistant Vida moved \$1370 instead of \$1050, Kalamia \$1200, and Harris at \$1050, as in the bill. The highest figure was adopted by the House. The license inspector and license clerk got \$900 each, the assistant clerk \$800, the deputy insurance commissioner \$525, the recording clerk \$450 and then the typewriter came in for a struggle. Kumalae said this clerk was a voter and it was proposed to give him \$450, while the woman stenographer in the Attorney-General's office gets \$600. The House approved the increase.

### IMMIGRATION WORK SUGGESTED

Long moved that there be inserted an item, Immigration Commissioner \$1500. He explained that only by government advertising could immigrants be induced to come here within the Federal law. The fact was that when the printed matter sent out under the seal of the government any immigrant that might come here would be privileged to enter without being in conflict with the United States laws. Kellimov moved to refer the matter to a special committee. Kupieha suggesting he favored the plan but thought it should be under the Secretary of the Territory. The House referred the item to a committee consisting of Long, Lewis and Gandall, the latter withdrawing in favor of Harris.

The tax bureau items passed until that for salaries and commissions came, which took a roll call, but it passed at \$45,000.

The bureau of conveyances went through as in the bill until the salary of surveyor under the Torrens act, which was raised to \$1200 from \$750, after some debate. The salary of the stenographer was raised to \$900.

The salary checks were passed around at this time and Pulua immediately moved that the committee rise but the majority wanted to work.

### QUESTION OF SUPERINTENDENT

When the salary of the Superintendent of Public Works was reached Vida moved that the consideration be deferred. He said Superintendent Cooper had resigned and that it was whispered that Gov. Dole intended to delay the appointment of his successor until the Senate adjourned. He thought the people should have something to say in the matter and he wanted delay until the Governor should know just what the Legislature wanted done. It was whispered about but said that Eben Lee was to be taken the place and the people were interested to see if this place was to be so disposed.

Kumalae moved to make the salary \$1500 and there was a long debate over the matter again the motion to rise being made and this time it carried.

The Secretary of the Territory notified the House that the Governor had signed the House expense bill.

The motion to adjourn was until 9 a. m. and it carried with that charge in regular meeting time.

### IN THE SENATE.

Senator McCandless presented a re-

# DOWIE THE ZIONIST IS COMING TO THE ISLANDS

## Reincarnated Elijah to Make Us a Visit Next January While on the Way to Australia. Band of Converts on Moana.

(From Wednesday's Daily.)

James Alexander Dowie, the leader of the Zion movement, is to make a visit to Hawaii next January and will remain for a week getting converts to the movement of which he is the head. A band of thirty-three Zionists from Australia passed through the city on the Moana yesterday and the statement as to the visit was authorized by one of the members of the party. He couldn't say, however, how long Dowie was to remain here, and didn't want to commit himself, as he said one of the cardinal principles of his religion was to always tell the truth.

However, in "Leaves of Healing," Dowie's official paper, is contained the announcement that he expects to leave the United States in January for a tour of five months to Australia via the Hawaiian Islands and New Zealand. He expects to spend a week in Hawaii, two weeks in New Zealand and the same length of time in Australia.

This will be Dowie's second trip to Australia where he has now a large following. The leader of the party on the Moana is Deacon Farrar, who by trade is a plasterer and was only made a deacon a short time ago. The deacon wasn't aboard the Moana when an Advertiser reporter inquired of the little party of Zionists for an interview. Stewart, another member of the party wasn't at all adverse to telling about the Zion movement, once he got started. He is a Scotchman by birth but has been in Australia for a good many years.

"The trouble with the newspapers is that they never tell the truth about us. We don't like that," said Mr. Stewart. "Now a newspaper in Australia, said there was fifty of us. It wasn't so. We don't want to be lied about all the time."

"Now there are thirty-three in our party," he continued, after inquiring the number from some of the women who made a mistake of one or two. "There are sixteen from New South Wales, nine from Melbourne and eight

port of the special committee on Board of Health items in the appropriations for eighteen months. It was laid on the table to be considered with the bill. The recommendations of the report are fully indicated in the action taken on the bill later.

Senator Isenberg reported for the conference committee on the House unpaid bills act, recommending a slight verbal amendment and therewith passage of the bill.

### CLERK TOO CLEVER.

Senator Achi made a statement to the effect that he had discovered that the Clerk of the House had put the expense of typewriting upon the House, although that was work devoting on himself. On this account he had signed the report unwillingly, yet for the sake of harmony he would move the adoption of the report.

The report was adopted, passing the bill on second reading.

### TO AMEND BILL.

Senator Brown presented a report of the Judiciary committee on the declaratory sections of the eighteen months' appropriation bill. It was laid on the table to be considered with the bill. The committee recommended striking out Section 2, as the bill contains no appropriations for roads and bridges to which it referred, also sundry verbal changes in following sections, together with a new section, all to prevent complications with county government.

House bill No. 5, appropriating \$13,000 for the expenses of the House of Representatives in the extra session, came up for third reading.

### BARELY PASSED

Senator Dickey moved to make the amount in the bill \$10,000, which was lost. Senator McCandless was laughed down when he then moved \$9,000. The bill passed by the narrow shave of one aye to make a majority of the whole body, on the following vote:

Ayes—Achi, Baldwin, Brown, C. Rabbe, Kalie, Kalauokalani, Kaohi, Nakapahu—8.

Noes—Dickey, McCandless—2.

Senate bill No. 9 making special appropriations for departmental uses for the eighteen months ending June 30, 1905 was resumed on second reading. In accordance with the special committee's report, items were amended as follows:

### HEALTH APPROPRIATIONS

A new item of \$800 for medical department was inserted.

Segregation hospital and treatment of lepers instead of \$102,500 was made \$75,000 and this new item inserted, viz: Provisions and ration supplies for settlement with partial rations 23 pounds and beef 8 pounds weekly \$108,500.

Kalaupapa store was given \$42,000 instead of \$33,750 with the proviso of a 10 per cent allowance of \$16 for each person.

Support of non-leprosy male and female children of lepers was made \$5,000 each instead of \$4,500.

Female hospital was reduced from \$21,000 to \$12,500 to correspond with the six months' bill, and Queen's hospital from \$100,000 to \$200,000 on the same ground.

Lehi Home, or Hospital for incurables received \$9,000 instead of \$12,250, and Kapilani Maternity Home was reduced from \$7,200 to \$4,000.

### ORPHANS REMEMBERED.

A new item of \$500 for Kona Orphanage was inserted. To Senator Baldwin's suggestion that this should be in the educational department, Senator Cecil Brown replied that to put

from South Australia. No there isn't a general migration to America. Still we like to see Zion City. That is the headquarters for it all. Most of us here I guess are going to Zion so that our children may be educated in the true faith in God's way. There are seventeen children among us, you see. That is the reason I am going to Zion I know. I have five children. I was doing well in Australia, had a snug little business which I sold out to come. That is the way with all of us. Deacon Farrar is at the head of our party. He is as good a plasterer as you will find anywhere. Could have got all the work he wanted where he was. He might tell you some more about our party, but I don't think so. He isn't as well educated as I am, only he has been a Zionist longer than I. Guess I am better read than he is, and I can tell you all there is to tell."

Mr. Stewart said the religion was spreading rapidly in Australia and they were gaining converts every day. In China also the Zionists are doing missionary work and gaining many converts. They publish their own newspaper in China.

"Rev. Alexander Dowie will be coming this way next January," said Mr. Stewart, "don't know whether he will stop or not. We ought to get a good many converts here, though there seems to be mostly Chinese living in the islands."

"We don't have gambling or drinking or tobacco, or anything in Zion that would pollute the mind against God's will," said Stewart. "Zion City is the headquarters of all Zion. We expect to establish five other cities also. In Australia the work is progressing rapidly, and we have six hundred on an average at our Sunday meetings. We have just put up a new hall too, which will accommodate 5,000 people."

The Zion party is going direct to Zion City from Victoria having a special car which will take them to the doors of Alexander Dowie's domain near Chicago.

it under education would bring it into conflict with the Organic Act. The Senate appeared on one mind in regarding the orphanage as an institution worthy of public aid.

Addition to Malulani hospital, Wailuku, \$15,000, was struck out as being in the six months' bill, and there being \$10,000 in the latter for increase of water supply to the Leper Settlement the item of \$15,000 here for that purpose was reduced to \$10,000.

Senator Dickey had \$700 inserted to buy instruments for the Settlement band.

Other items for the Health bureau were passed as follows, each recommended by the committee as in the bill: General expenses, \$11,250; disinfectants and vaccine, \$3,750; freight on parcels for lepers from all islands, \$3,750; stamped envelopes for lepers \$750; Insane Asylum, \$30,000 quarantine and fumigation expenses, \$11,250; emergency quarantine and fumigation, \$15,000; running expenses garbage crematory, \$6,000; furnishing receiving hospital, dispensary and morgue, \$7,500; maintenance receiving hospital, etc., \$7,500; Wailua hospital \$2,625; Lihue hospital, \$2,700; Malulani hospital, \$6,000; Lihue hospital \$9,000; freight and passenger service, weekly between Honolulu and ports of Maui and Molokai to lowest bidder, \$3,900; repairing and furnishing quarantine hospitals, \$2,250; medicines for free distribution in all districts, \$7,500.

### LIBERAL AMOUNT.

The aggregate of Board of Health items for the 18 months is \$435,925.

Senator Isenberg promised a report of the special committee on the band for this morning.

At 11:20 the Senate adjourned for the day.

# AGRICULTURAL BOARD MEETS

(From Thursday's Daily.)

There was a meeting of the Board of Agriculture and Forestry in the Public Works office yesterday afternoon. L. A. Thurston presided, others present being Superintendent Cooper, W. M. Giffard, J. F. Brown and Daniel C. Dole, members and Prof. R. C. L. Perkins, acting entomologist.

A cablegram from Prof. Koebeler at San Francisco was read stating that he had not been able to secure the services of an entomologist in California and that he would communicate with Washington on the matter. He also said he would report fully by mail.

After discussion it was decided to await the mail advices from Prof. Koebeler, which are due next Tuesday, as it was feared any cable instructions might conflict with what he may have accomplished in the meantime.

The appearance of the leaf hopper in Hamakua sugar cane fields was the chief topic of discussion. It was voted that Prof. Perkins should visit the district next week and inspect the conditions. Provided his health be favorable. As was expressed, it was a case where the cause of prevention was important.

Compilation of the agricultural laws of the Territory, with such regulations of the old laws as had validity, was considered and Messrs. Cooper and Brown were appointed a committee to report thereon.

# THE LOSS ABOUT KANSAS CITY IS TEN MILLIONS

## Six Hundred Square Miles of Farming Land Near Keokuk, Ia., Are Inundated.

(ASSOCIATED PRESS CABLEGRAMS.)

KEOKUK, Ia., June 2.—Six hundred square miles of farming land here are inundated at a loss of one million dollars.

KANSAS CITY, June 2.—The rain has ceased and the waters are receding. Government rations are being distributed among refugees and emergency hospitals have been opened. The loss in this vicinity will total ten millions of dollars.

ST. LOUIS, June 2.—A great flood is imminent here. Hundreds of farmers on the lowlands are homeless.

TOPEKA, June 2.—The known dead here number fifty. There is great distress and a loss of \$2,000,000 in the city. The river is now receding.

TORONTO, June 2.—The liabilities of Ames & Co., whose failure caused a financial panic here, are \$10,000,000; assets \$5,000,000.

MANILA, June 2.—The cable to Guam has been completed. Laying between Guam and Midway Island will begin at once.

DAYTON, June 2.—The condition of General McCook remains unchanged.

TOPEKA, Kan., June 2.—Officials of Topeka have sent out an appeal for aid in supplying necessities for flood sufferers.

HONGKONG, China, June 2.—Chinese insurgents are reported to have captured Honuchau and Cheping-chau.

SAN FRANCISCO, Cal., June 2.—Former Civil Service Commissioner Mershon was today arrested on the charge of forgery.

ENID, Oklahoma, June 2.—An unknown suicide here has been identified as John Wilkes Booth, the man who assassinated Abraham Lincoln.

KANSAS CITY, Mo., June 2.—The flood at this point and adjoining country along the river is subsiding. Conditions are very much improved.

LEAVENWORTH, Kan., June 2.—An appeal for Government assistance to furnish flood refugees with rations has been made by Leavenworth officials.

SAN FRANCISCO, June 2.—The cruiser Tacoma was launched from the Union Iron Works this afternoon. A delegation from Tacoma was present at the launching and Miss Julia Naomi Harris, a society belle of the Northwest, christened the vessel.

DENNISON, Ia., June 2.—President Roosevelt is making a quick trip through Iowa. Early this morning he stopped at Council Bluffs. After a short stay his train moved on, stopping at Denison, Fort Dodge, and Cedar Falls. He will spend the night at Dubuque.

TORONTO, Canada, June 2.—The Ames Company, brokers, gave notice of an assignment today. The news created a panic in financial circles. It is feared that many minor firms will be forced to the wall as a result of the downfall of this company, which has been one of the largest operators in local circles.

GAINESVILLE, Ala., June 2.—All the available men that could be obtained have been engaged in searching the ruins caused by yesterday's tornado, for the dead and injured. One hundred persons are known to have been killed and the list of injured will not number less than 200. The tornado was of short duration, but it left terrible destruction in its path. Assistance has been forthcoming from adjoining towns to care for the dead and dying.

SUMPTER, S. C., June 3.—Thirty passengers were killed in a train wreck near Sumpter today.

ST. LOUIS, Mo., June 3.—The Mississippi river is steadily rising in the vicinity of St. Louis, and active steps are being taken to prevent loss of life.

# COOPER DECLARES COUNTY ACT VOID

The mandamus suit of Governor Dole and others, constituting the Board of Public Institutions, against Henry E. Cooper, Superintendent of Public Works, had its hearing continued from yesterday until Thursday.

Superintendent Cooper, in his return to the writ, denies that the officials named as complainants "constitute a Board of Public Institutions as set forth in Paragraph I. of said alternative writ for the reason that the Act of the Legislature of the Territory of Hawaii purporting to create such Board of Public Institutions, to wit: Act 31 of the Session Laws of 1903, is contrary and repugnant to the provisions of the aforementioned 'Act to provide a government for the Territory of Hawaii,' and is null and void, and more particularly for the reason that that part of the said Act 31 of the Session Laws of 1903 which purports to create such Board of Public Institutions is contrary and repugnant to the aforesaid 'Act to provide a government for the Territory of Hawaii' and especially to Sections 45, 73, 75, and 80 of said Act."

While admitting that on April 22, 1903, the Governor approved a purported Act of the Legislature entitled 'An Act providing for the organization of Counties and Districts and the management and control of Public Works and Public Institutions therein, the respondent "denies that said Act was passed by the Legislature in manner and form as the same was signed by the said Governor."

Further along he denies that the Board was legally organized, for the reason that the law purporting to create it was repugnant to the Organic Act. The meeting of the Board referred to in the complaint he declares a nullity for the reasons already set forth.

As a separate and distinct matter of defense to the writ, the respondent alleges "that said Act 31 of the Session Laws of 1903 as signed by the Governor of the Territory was never passed by the Legislature of the Territory of Hawaii or by either the Senate or House of Representatives of said Legislature, and is therefore null and void and of no force or effect whatsoever."

As another separate defense Superintendent Cooper "alleges that this Honorable Court is without jurisdiction to hear and determine all or any of the things and matters in said writ set forth."



# MRS. HYDE RETIRES

## New President for the Board of Missions.

(From Wednesday's Daily.)

Mrs. Mary Knight Hyde for twelve years the president of the Woman's Board of Missions of the Central Union Church declined reelection at the annual meeting yesterday and Mrs. Geo. P. Andrews was chosen in her place. Mrs. Hyde intends to leave the islands for a time at least, so could not accept the office again. Her departure is viewed with sincere regret by the members of the society, as was evidenced by the unanimous adoption of the resolution offered by Mrs. Whitney, in which the heartfelt sorrow of the society was set forth.

### THE MORNING SESSION.

The morning session of the board was devoted to hearing reports of the various officers. Mrs. A. F. Soares reported upon the work among the Portuguese, saying among other things that through lack of funds it became necessary to discontinue the day school. The buildings were turned over to the government for a primary school.

Mrs. F. W. Damon reported upon the work among the Chinese, including also reports of officers in charge of branches.

Reports were also read of the work of the society branches upon Maui and Hawaii.

The report of the Gleaner's Society was especially interesting, the society reporting, however, that it was necessary to give up the weekly sewing day, because of the inability of the members to attend.

The appropriations made by the society for the various branches of work was the same as a year ago.

### AFTERNOON SESSION.

The afternoon session of the society was opened with a solo by Mr. Prouty accompanied by Mrs. Smith, which was much enjoyed. Prior to the beginning of the meeting a luncheon was served for the members and their friends in the church parlors.

### ELECTION OF OFFICERS.

The list of officers submitted by the nominating committee was unanimously approved, though much regret was expressed over Mrs. Hyde's declination, of the office of President. Mrs. Andrews, her successor, will, it is believed, carry on the work in the same manner as it has been so ably conducted in the past by the retiring president.

The remaining officers and committees are the same as served during the past year.

### MRS. HYDE'S FAREWELL.

Mrs. Hyde made an interesting address in which she asked the society to continue the work as it has been begun. Her subject was "To the extent of Our Ability." "She Hath Done What She Could."

She spoke of the immense ships, the cable and the sailing ships, and the ease with which they are handled by the man at the wheel. She then said: "The power we have in religion is not a power of self impulsion but the power of the man at the wheel. We must link our hand with the hand divine, and oblivious of all that would distract, keep our eye fixed on the chart and steer in the right direction. We cannot create the breeze that will waft us heavenward but we can trim our sails, order our lives, walk in the way of His appointments and so take advantage of it."

Further she said "Christ must be the motive power working in us, working through us. There is no question but what some of us enter life with an advantage while others are handicapped. Christ's words 'She hath done what she could,' are a comforting lesson for all who are bemoaning their circumstances or condition or environment, as limiting their ability to do loving service for Christ. It teaches us that in order to serve Christ acceptably, we have not to change our lot or seek other conditions than those in which we are placed. Making the most of present ability and present opportunity, we shall be fitted for the greater work God has in store for us. The place is nothing the heart is everything."

She spoke of Booker T. Washington and Helen Keller as those who had shown what one person can do with Christ's help. In conclusion Mrs. Hyde said, "It is as you spend yourself that you will be enriched. It is as you pour out your life that the emptying will fill it higher. Christ accepts and blesses all the offerings of loyal hearts and silent love the world over, and we can do for Him in proportion as He lives in us."

"My dear friends as I speak to you for the last time as President of this Board I would impress upon you your responsibility for the best service whatever your pound of spikenard may be, what greater joy that than to devote it to Christ's service. To do all that we can, means the consecration of every power, every affection, every hour, if service is required give that, if endurance accept that, only remembering that Christ's service demands the best—demands all, to the last drop of oil or the breaking of the alabaster box, your most costly sacrifice."

Following Mrs. Hyde's address Mrs. Siemon sang and then the Rev. J. C. Meeserve of San Francisco was called upon for a few remarks. He emphasized the need of the work that the women were doing and complimented the Woman's Board on the program of the day. Mrs. Meeserve was also called upon and said she was a little surprised to see the same sort of missionary gatherings here as she had seen in Boston and London. "To paraphrase an old saying" she said, "it is

# KAMEHAMEHA AT ST. LOUIS

## Will Have Exhibit All Their Own.

(From Wednesday's daily.)

The boys of the Kamehameha School had their inning last evening at Bishop Chapel. There are ten graduates, and all those given the opportunity acquitted themselves well at the twelfth annual commencement exercises.

The essay of chief interest was that of Stephen L. Desha who spoke on "Kamehameha at the St. Louis Exposition." He told what the boys of the school intended to do at the fair, and if the promises given in his well-written essay of last evening are carried out, Hawaii will have at least one exhibit at the Exposition of which it need not be ashamed. The exposition was valuable, he said, in that it was of educational worth. It gave one a chance to see things, which could be otherwise obtained only by long and expensive travel. Also the fair was a great advertising medium, and Mr. Desha suggested that Kamehameha could profit much by adopting some of the features to be found at the fair.

He said further that Kamehameha would be represented in all her departments, there would be an exhibition of the shop work, of the collegiate department in essays on Hawaiian life, with incidents of the life of Kamehameha, the Hawaiian Bill of Rights, the Taro plant, etc. There would also be papers on the agricultural life of the islands, an interesting exhibit of the tailoring department in samples of Khaki uniforms made by the boys. There is also to be an exhibition of tools, made at the shop, of plants grown by the school boys, and also of the seeds of Hawaiian products. Then there is to be an illustration of the school's aim and scope by means of seventy photographs which are to show the cottage built by the boys also a dray and a wagon, and other articles fashioned by the students. The essay was closed with the statement:

"Kamehameha should be proud of her exhibit."

There were also a number of other interesting essays and well rendered songs, the latter by the Boy's Glee Club. The graduates are:

Thomas Mahi Keli, Akaike Akana, James Apao, Alfred Kalaniana'ole Akana, John Rollin Desha, Stephen Langharn Desha, Edward Julius Hardee, David Ohia Konahele, Robert Plunkett, John Robert Kekuewa.

The stage was prettily decorated for the occasion, a large Hawaiian and American flag crossed at the rear of the stage setting off the gray uniforms of the boy graduates. The presentation of diplomas was made by Hon. W. F. Allen, president of the Board of Trustees, and the address to the students was by Rev. S. L. Desha of Hilo. The following program was read out:

Organ Prelude—Allegretto Grazioso. Miss S. Lillian Byington. Invocation. Rev. Stephen L. Desha. Music—"Still, Still With Thee"—Gerrish Glee Club. Salutatory. Thomas Mahi Keli. A Day at Kamehameha. David Ohia Konahele. Music—"Kentucky Babe"—Gaiel Glee Club. Kamehameha at the Louisiana Purchase Exposition. Stephen Langharn Desha. Health Conditions in Modern Life. James Apao. The Commercial Value of English. John Rollin Desha. Music—"Golden Ring"—Folksong Glee Club. Our Hawaiian Heritage and Valedictory. Akaike Akana. Music—"Sweet Lei Lehua"—Glee Club.

The Alumni. David L. Ai. Address. Rev. Stephen L. Desha. Song—Solo. Mr. Stanley Livingston. Presentation of Certificates. Hon. William F. Allen, President Board of Trustees. Hawaii Ponoi. Dr. William B. Elkin. Benediction. Organ Postlude—March. Wely

HIND-LOW RANCH  
DEAL IS COMPLETE

The sale of the interest of Eben Low in the Kohala Ranch to Robert Hind was completed Monday, all the papers in the transfer being signed. This gives complete control to Mr. Hind, who finds himself in possession of a well stocked ranch, something he has looked forward to for some time, and to which he will give his personal attention in the future. The price was, as previously reported in the Advertiser, \$48,000.

The Honolulu plantation is three-fourths through its cropping and enough is left in sight to assure the full estimate of sugar for the year.

one touch of missionary that makes the whole world kin." Mrs. Dr. Scudder talked of missionary work in Japan, and there were remarks also by Mr. Hill of Hilo, Rev. O. H. Gulick and others.

The report of Laura C. Green on work among the Hawaiians was also read and was listened to with interest.

# PUBLIC WORKS IN HANDS OF ENEMIES • IN LOWER HOUSE

## The Superintendent's Salary Cut and His Assistant Left Out of Bill.

(From Thursday's daily.)

Salaries occupied the time of the House yesterday, and after a morning spent in futile talk the afternoon session proved productive of progress in a marked degree. The time spent over the items still seems to be out of proportion to the savings which were effected, one attempt at a simple \$50 reduction, which by the way did not connect, occupying time sufficient to mean nearly twice the amount of expenditure from the House.

Of the day's work the most important action was the cutting out of the Assistant Superintendent of Public Works, as well as all the appropriations for clerical assistance in the office. The members seemed to have an opinion that there should be a change in the conduct of affairs in that section of the government, and the result was the complete excision of the office of the assistant, so that the head of the department may be considered and be in fact the working head of the whole affair.

During the afternoon there was considerable talking and progress made in various lines. The committee reached the water department, and went over some of the officials, but were unable to complete the office during the afternoon. It will take several days to complete this bill at the present rate of progression.

After passing the departmental appropriations for eighteen months on second reading, the Senate yesterday adjourned over till Saturday. Strong safeguards for the protection of the public funds from unlawful or irregular expenditure were placed in the bill. Rural sentiment in favor of making the band a county institution seemed to be thoroughly dislodged by the clear statement of the special committee on that subject, showing that the band is part of the Hawaiian National Guard, enlisted in the United States militia, and under command of the Governor. Altogether it was the mildest-toned sitting of the upper body held from the opening of the regular session until now.

### IN THE HOUSE.

The House, called to meet at nine o'clock was a half hour more in getting a quorum, and when it opened with Vice Speaker Knudsen at the gavel it was with the bare sixteen members, the stenographer acting as clerk and representative Olli as chaplain.

The Senate returned the House bill No. 2 the six months' expense bill, with many amendments in proper form, and it took until the regular hour for meeting to read and interpret so that there was a fairly full attendance when Kellin moved non-concurrence with the Senate amendments. Kumalae moved to defer action for two days and this carried.

The Committee on Public Lands reported favorably upon resolution 14, by Pulaa, asking for \$260, to reimburse Mrs. Kamakabekuli for land taken for road purposes, which report was adopted and the item ordered into the unpaid bills.

**PUBLIC WORKS SALARIES.** The House then took up the salaries bill the first thing considered being the salary of the Superintendent of Public Works. There were a volley of amendment, they finally settling down to the question of reduction to \$1,800, as Harris suggested that there should be uniformity, which carried by 16 to 8.

Fernandez then moved to reconsider the vote upon the salary of the Treasurer, which being agreed to at once he moved to reduce to \$1,800. On this motion the ayes were twelve, the

noes twelve, and the chair declared the motion lost. Kumalae declared the point that the chairman had voted, which was contrary to rules. This participated a discussion on procedure which was long and to say the least peculiar, ending with a deferring consideration of the item until after noon.

### ASSISTANT SUPERINTENDENT OUT.

Kupihua moved to strike out the Assistant Superintendent and Vida seconded, saying that the office was unnecessary suggesting that the two offices, assistant superintendent and road supervisor be combined, as there are a host of clerks falling over themselves in the two offices. He said such combination would be in the interest of economy. He said \$20,000 had been spent on the Nuuanu bridge on estimates of \$10,000 and now the foundations were being torn out. He thought a good road engineer would do all the work and cheaper too.

Kumalae supported the motion, saying that there was too much sending for subordinates and transmission of orders which could be sent out direct. He said no assistant was needed to have the orders to the subordinates. In important matters the superintendent acted directly, then why have so many officers.

**NEEDS COMPETENT ASSISTANT.** Candall argued that there was necessary a competent assistant, to represent the superintendent in his absence.

(Continued on page 6.)

# WAIALUA RESERVOIR AND DITCH WILL BE BUILT

Mr. J. H. Braley, a prominent banker of Los Angeles, returns to the coast on the Alameda today after a month well spent in the islands. He came down to look into the project for the construction of a reservoir and ditch at Waialua for the farmers there, and for Waialua Plantation, and goes away convinced that the scheme will be a success. Mr. Braley said last evening that the dam would be built, but it may not be completed for eighteen months, or the work actually started until after the winter rains.

"I have been in the islands for a month," said Mr. Braley at the Hawaiian last evening, "and I am more than pleased with the beauties of this island, its interesting features, and with its generous and enterprising business men."

"I must say that I have never been more cordially received in any place I have ever visited. For so short a time I don't think that I could have formed stronger attachments for a place or people than I have for this place and these people."

"I think a brighter day will dawn for these islands within the next five years. I think Honolulu is going to be one of the important ports of call if not the most important one in Pacific waters. One thing that is going to help these islands is better communication with the mainland—more fine steamers. They are going to come, but the thing that I think will give the greatest impulse will be the completion of the Panama Canal."

ing is going to become a success. It would add greatly to every interest to have the country filled up with small American farmers.

"I visited the Waialua country twice. It is certainly a very pretty country. I think there is no doubt but what the pineapple industry up there is going to be a success and there is good land enough to make quite settlement of small farmers. Yes, I think that bananas can be grown there at a profit and that would be a beautiful industry for small farming."

"The reservoir site is very good, the building of a canal is altogether practicable and I have no doubt it will be built in the very near future and will be a financial success both for the Waialua Water Co. and for the Waialua Agricultural Co. in their great sugar plantation. The saving of the stored water, which will go by gravity into the cane lands needing irrigation over the cost of pumped water, will be enough to make a pretty good dividend for a very large capital. We use both kinds of irrigation in Southern California, pumped and gravity water, and we are well acquainted with the advantage and cheapness of gravity water over the pumped."

"Every inch of water that runs down the streams from the mountains to the sea should be conserved and put to profitable use, and I have no doubt but what this will be done more and more, year by year. Yes, I think these islands have a very bright future especially this one."

"I have not taken time to visit the other islands but I have done this one pretty thoroughly I have visited about all of its interesting points and have been clear around the island. I shall always have very pleasant memories of this visit and will always be ready to say a good word for the islands when and where opportunity may offer."

# WILL GIVE UP ASYLUM

## Board of Health to Obey County Act.

(From Thursday's Daily.)

The Board of Health will accept the law as laid down in the County Act without question and will surrender control of the Insane Asylum to the Board of Public Institutions immediately. This position was decided upon at a meeting of the Board yesterday following an opinion by Attorney-General Andrews. The Board of Health will virtually continue in charge of the asylum as in the past, acting however as the agent for the Board of Public Institutions.

"I see no objection to the Board of Health turning over the Insane Asylum," said Mr. Andrews at the meeting. "Under the County Act which is lawful, until it is repealed or declared illegal, the Board of Public Institutions is entitled to control of the asylum, and I see no reason why it should not be turned over. It is the idea of that board to have the Board of Health remain in charge as agents and it will O. K. the expenditures, so that there will be no question with the auditor."

Upon motion it was decided to send a notice to Secretary Carter saying that the Board of Health was ready to surrender possession of the Insane Asylum.

### TENDERS FOR SUPPLIES.

Tenders for supplies will be asked immediately by the Board for the next two years. It was decided yesterday to ask for bids for palat at twenty-one, twenty-three and twenty-five pound weights, as the action of the legislature is not yet known. In the call for bids for the carrying service to the settlement, the steamship companies are to be asked to provide for bunks for the accommodation of lepers. These however need be only temporary affairs.

### LAHAINA WANTS INSPECTOR.

A petition was read from Lahaina residents urging the immediate appointment of a sanitary inspector for that place. If all the things are true that the petitioners say, then Lahaina needs a general house cleaning very badly. They say that there are a hundred Japanese and Hawaiian fishermen, who sell bad fish at times, seven poi factories, some of which are in bad condition and eight coffee shops which also need overhauling. The secretary was instructed to notify the petitioners that the Board of Health had no appropriation for a sanitary inspector, but had asked for one for that purpose.

Attorney-General Andrews reported on the bill of G. W. Lockington for services at Hilo during plague times that the work had been done more than two years ago, and therefore could not be paid out of the present appropriation. He suggested that Lockington ask the legislature to make a special appropriation for his payment.

Mr. Andrews reported also on the request of Mrs. Nakuna for lease of certain land at Lahaina, that the property was under the control of the Land Department.

### CITY SANITARY OFFICER.

City Sanitary Officer Tracy reported in part as follows:

Sixteen lodging houses, seven restaurants and two hotels applied for certificates of sanitary condition to obtain licenses and all save three lodging houses which still have some minor improvements to make were granted them. Of the three lodging houses and one restaurant licenses held over from last month, the three lodging houses are still held. One thousand four hundred and eleven adults can lawfully be lodged in these buildings licensed.

Four 48-hour notices have been served and in three cases the work required was completed. In the fourth case an extension of time was granted.

Three arrests have been made and a conviction secured in each case. The first case was a man who neglected to remove some dead animals from his premises and was fined \$5.00 and costs; the second was caught dumping garbage in a vacant lot in Chinatown. He paid \$25.00 and costs. The third was a man who was careless of the sanitary condition of his place and paid \$3.00 and costs of court.

Two inspectors have been on special duty all month and consequently their districts have not been watched as much as was necessary, but at various times some of the other inspectors were detailed to investigate and have remedied conditions in various places in them.

### BOYS MAY GO TO CAMP.

Upon suggestion of President Cooper members of the National Guard in the employ of the Board of Health are to be given five days' leave of absence to attend the encampment which begins June 10th.

### ORIENTAL HEALTH.

Dr. Cofer's report on Oriental health conditions was as follows:

I have to report the health conditions in the Orient as follows:

Hongkong, two weeks to May 13, 1903—Asiatic cholera, cases 2, deaths 0; smallpox, cases 1, deaths 1; plague, cases 194, deaths 165.

Note—Smallpox cases among passengers and crew, 46 cases on board upon arrival, diagnosed as smallpox by local officer, 6 cases developed on board but in port in quarantine.

Atton, China—Plague (estimated), 50 daily.

Shanghai—Smallpox, cases 0, deaths 0.

Nagasaki—Cholera.

Kobe—Smallpox, cases 4, deaths 0.

Yokohama—Plague, cases 2, deaths 2.

(Both occurred May 12th and died May 14th.)

# AUNT'S BILL IS DISPUTED

## Probate of Henry Robert's Estate Concluded.

(From Wednesday's Daily.)

Judge De Bolt has allowed plaintiffs' bill of exceptions to the granting of a new trial in Lum Lung and others vs. Marion M. Hoyt, formerly Luning. The jury found \$594.07 damages against the defendant in this case, but Judge De Bolt granted a motion for a new trial.

### AN AUNT'S BILL.

Judge Gear ordered the approval of accounts and discharge of W. O. Smith, administrator of the estate of Henry D. Roberts, deceased, upon his depositing in court all property of the estate remaining in his hands. This was on a hearing of the report of F. H. Loucks, master, in which attention was called to a claim of Mrs. Edith M. Bonelli for \$710 on account of care and maintenance of Helen Roberts, her niece and a daughter of deceased aged 3 1/2 years. Mr. Smith refused to pay this claim without an order of the court. The charge was at the rate of \$25 a month. As the amount was entered in the schedule of payments, the court ordered it surcharged to the administrator, making the balance on hand \$4,730.11 instead of \$4,020.11 to be paid into court. It was also ordered that the administrator account for shares of stocks given in the inventory of November 1, 1900, viz.: 300 shares assessable McBryde Sugar Co. estimated at \$1,250 value and 50 shares of paid-up Waiialua Agricultural Co. estimated at \$5,500 value. The inventory filed with the final accounts shows:

Cash on hand.....	\$4,020.11
Five share Olau Sugar Co. paid-up.....	60.00
100 shares Florence Oil.....	125.00
Household furniture, etc.....	400.00
	\$4,605.11

The heirs are the widow and four daughters, from 9 years to 20 months old.

Decedent was master locomotive engineer of the Oahu railway at his death.

### INJUNCTION SUIT DEFERRED.

The injunction suit of Kapiolani Estate, Ltd., against Superintendent of Public Works Cooper et al., to enjoin the taking of land in South street for road purposes was postponed by Judge Gear's allowing defendants five days more in which to demur, answer or plead.

It is stipulated in Hayseiden vs. Pain et al. that defendant have 20 days more in which to plead, answer or demur. Plaintiff in Hackfeld vs. Strauch et al. gives notice of motion to set cause for hearing.

### KAMALO CASE AFTERMATH.

Defendant in Lawrence H. Dee vs. W. H. Smith demurs to the complaint on eight stated grounds. It is set forth that the bill does not charge that the deed from Frank Hustace to defendant was without consideration, nor say that the defendant participated in the alleged intent of Hustace to defraud his creditors, nor allege what price was paid by complainant for the land, nor describe the judgment alleged to have been recovered against Hustace et al. by H. R. Hitchcock et al., nor whether it was recovered at law or in equity, nor describe either the deed from Hustace to defendant or that from the High Sheriff to complainant, and that there is a non-joinder of Hustace as a necessary party. The case is an aftermath of the celebrated Kamalo Sugar Co. case.

### HORRIBLE CHARGE.

Rosa Machida Keola has brought suit for divorce against James Keola, charging him with incestuous intercourse with his mother-in-law, the libellant's mother. The parties were married by Father Clement on April 24, 1893, and have two daughters nine and six years of age respectively.

### UNFAITHFUL STEWARDSHIP.

Kahanu, daughter and sole heir of J. Pinao, deceased, has brought suit to compel an accounting by Kallimal, administrator of her father's estate. She charges that he has neglected his administrative duties, leaving them to his bondsmen, Edward B. Mikalemi, who she declares has "abused the trust and confidence reposed in him by said Kallimal and deponent, and has fraudulently and without consideration procured deponent to make a deed of a portion of her property to him, the said Mikalemi, and another deed of another portion to him, the said Mikalemi, together with his wife, Kallikekualiah."

### TEN BOLD ASSERTIONS.

Regarding Chamberlain's Colic, Cholera and Diarrhoea Remedy.

1. It affords quick relief in cases of colic, cholera morbus and pains in the stomach.
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9. It is pleasant and safe to take.
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## OLD FOLKS MAY STAY

### One Woman Insists That She Is a Leper.

Lepers and their woes occupied a large share of the attention of the Board of Health at yesterday's meeting. Superintendent McVeigh came down from Kalaupapa on the Lehua and was present at the meeting.

#### OLD PEOPLE MAY STAY.

Superintendent McVeigh reported on the efforts being made to rid the settlement of non-lepers persons who have no business there, but upon his recommendation nine couples whose ages range from sixty-five to ninety years will be allowed to remain. The superintendent stated that if these old people are turned out they will have no place to go, unless it be to the Lunaliho Home. He said it would work great hardship to remove them from the settlement, and favored allowing them to remain as long as they lived as only two of them were of any expense to the board, the remaining seven couples being self-supporting. The recommendation of Mr. McVeigh was adopted.

#### A DIFFERENT CASE.

Quite a different sort of a case was that of a native woman named Helen Kalawilo who Supt. McVeigh said, had been permitted to go to the settlement while Mr. Gibson was president of the Board of Health. He said she had no right to be there, was not a kokua, had no ties of any kind in the settlement, and had been continually bothering the authorities to have herself declared a victim of leprosy. Mr. McVeigh said that he feared that unless she was removed, she might inculcate herself with leprosy germs, so anxious was she not to leave the settlement. The request of the superintendent that the woman's permit be revoked was granted, and she will be compelled to leave the place at once. She is between thirty-five and forty years of age. Mr. Winston called attention to the Lunaliho Home as a place of refuge for the nine old couples, who it had been decided to leave at the settlement. President Cooper said that the trustees were now very strict as to who were permitted in the home, and finally a committee was appointed, consisting of Dr. Cooper and E. C. Winston to ascertain if the old people would be received there.

#### THE DIVORCE QUESTION.

Mr. McVeigh also presented a bunch of thirty or forty petitions from lepers who wanted divorces and asked the Attorney General to get them. Mr. Andrews said that he was ready to do all in his power towards relieving conditions at the settlement, but would be handicapped in the next six months through the great amount of work imposed by the county act. With the threatened reduction in the working force of the Department he said it would be difficult to attend to all of these cases, but he agreed to file the divorce suits whenever opportunity offered. Another item to be taken into consideration was the costs which had to be paid either by his department or by the Judiciary. Such costs as fees for serving and for stamps had to be paid.

#### OTHER MATTERS.

Upon the report of Superintendent McVeigh the request of K. John Ahu that he be allowed to remove to Kalaupapa was denied.

The request of Haumea Kanehe and his wife to have their daughter sent to them from Waimea, Kauai, was denied, and she will be sent to the Kapiolani Home instead.

The request of two Hawaiian women that their husbands be allowed to come to the settlement as kokuas was not acted upon, and the superintendent will be given a chance to investigate. Mr. McVeigh said that the women were not helpless but that the husband of one of them was reported to be a good plumber, a man whom the settlement needed quite badly.

The request of Miss Jane Trask to have her sister come as a kokua was granted, as the petitioner was reported to be in a helpless condition.

Kalaupapa who said she was writing with a penknife and was almost blind asked that her husband be allowed to come as her kokua. The petition was denied on the statement of the superintendent that she was in the Bishop Home and that her case was a mild one.

## WILL SETTLE ON THE BAR DINNER

The executive committee of the Bar Association held a meeting yesterday afternoon and took under consideration many matters as to the future of the body. The new committee appointed by President Smith is as follows: R. W. Breckons, H. A. Bigelow, A. F. Judd, Frank Andrade and J. W. Cathcart. Among the things discussed was whether or not there shall be a dinner of the Association. Messrs. Judd and Hemenway were appointed a committee to take up the matter with various caterers. There will be a meeting of the Association on Monday afternoon, at which time it will be settled whether or not there shall be a dinner on June 20 or during the fall, perhaps in October. Other matters discussed were relating to the organization in general.

## MARSTON CAMPBELL ANSWERS CRITICS

### Maintains That Important Public Works Must Have Special Supervision and Disclaims Responsibility Not Belonging to Him.

Marston Campbell, Deputy Superintendent of Public Works, was asked by an Advertiser reporter yesterday afternoon for whatever reply he might choose to make to the accusations brought against him in the House of Representatives. As he had not yet seen any published reports, Mr. Campbell inquired as to what particular charges were made which called for answer. Upon being told that Representative Vida said he had sent Mr. Gere to Hilo to do work of superintendence which was the Deputy Superintendent's own duty, also that the same member and Representatives Kaniho and Kumalae accused him of under-estimating the cost of Nuuanu avenue bridge, Mr. Campbell made the following statement:

"It is impossible in the public works for one man to cover the whole country. Take the instances of Hilo mentioned. The water works and the reconstruction of Waiuanue street and storm drainage and Pukiahe arch were in hand at the same time. They required the constant attention of one man and I placed Mr. Gere in charge of them.

"Also the Lahaina water works, where a man was put in charge who was thoroughly competent by training and experience to attend to the work. The result is that the water works were constructed in accordance with the plans and specifications and are a complete success, and at a cost for inspection, etc., that is not unreasonable.

"Important public works are often in progress at many different places. Every large undertaking requires that an efficient man be placed in charge of construction, to see that the work is carried out as planned. If Mr. Vida or any other gentleman would take the trouble to investigate the conditions, he could not in his wisdom help agreeing that the course adopted has been in the best interest of the public.

"With regard to the Nuuanu street bridge, I simply decline responsibility for such part of that work as was

taken out of my control. I requested the then Superintendent of Public Works to set aside \$10,000 from the appropriation of Roads and Bridges, 4th District, so that work could commence upon the construction of a concrete and steel arch bridge across Nuuanu stream, as the old bridge was unsafe for travel. This request was made on May 11, 1901, and it was not until many months after that the work of construction was undertaken.

"The plans and specifications having been prepared by me, the work of construction was taken out of my hands by the then Superintendent of Public Works, and turned over to Mr. C. B. Dwight, road supervisor, to construct by day's work. It has been and is my recommendation that all work of this character be done by contract instead of day's labor. Since work was commenced upon this bridge many additions were made to the original plan, viz., the long retaining wall on the Walkiki-makai side, which was not considered in the original plans, but, however, is an addition that would sooner or later have had to be constructed.

"The only supervision given to this work by me or any employee in my office was to see that the lines and grades were adhered to. As Mr. Vida knows, having been informed by me, all labor was employed and material purchased by Mr. Dwight and all cost accounts were kept in the road supervisor's office.

"I am ready at all times to take any responsibilities that properly belong to me, but in this case the work was taken out of my hands and against my recommendation that it be performed by contract and done by day's labor under Mr. Dwight. The plans and details were prepared under my direction and I am willing to take all responsibility for any error or mistake there may be in them.

"In the light of these facts, I reasonably decline to be held responsible on the score of costs, the Honorables Vida, Kumalae and Kaniho to the contrary notwithstanding."

## THE LEPERS GET AMERICAN GOLD AND SILVER COIN

Good American gold and silver is now circulating at the Leper Settlement instead of the Kalakaua silver which the lepers sometime ago petitioned the Board of Health to redeem before it was forever too late.

Supt. Jack McVeigh has been acting as exchange agent at the settlement, through the medium of the Board of Health store, and now all but about one hundred dollars of the Hawaiian silver has been taken up. Originally there were three thousand dollars of silver in circulation at the settlement—the entire circulating medium of the lepers. When they heard that Congress had passed a law providing for the redemption of the Hawaiian silver, the lepers immediately petitioned to the Board to redeem their money. They said they did not want to be caught at the end of the year with a lot of money on hand that wasn't of any value except as so much bullion, and didn't want to take the chances of a fifty per cent depreciation.

The Board of Health appreciated the reasonableness of the request, but when it tried to remedy the difficulty a large sized snag appeared in the way. The First National Bank is the agent to redeem the Hawaiian silver, under appointment of the Secretary of the Treasury. When President Cecil Brown was requested to send a man to the settlement in order to redeem the coin he demurred. The First National Bank was, to be sure, the agent to redeem the silver, but could only do so when the Hawaiian money was presented over the counters of the bank in Honolulu. Besides there wasn't any way of paying the expenses of such a trip, the agent was not getting a profit for acting for the national government, and was reimbursed only for the expenses of insurance and freight to the San Francisco mint. Consequently that scheme was reluctantly abandoned.

Next it was suggested that Supt. McVeigh bring the money to Honolulu for the lepers. Mr. McVeigh said he was willing enough to do this but that the lepers were not entirely of a trustful nature, and however much confidence they might have in him, if some of the coin happened to be mutilated or defaced, so as to have depreciated in value, he would have to suffer that loss, for when his charges gave him money to redeem they expected him to bring back the full face value. This idea was also abandoned, and then Dr. Cooper was delegated to call upon Treasurer Kepoikai to furnish \$3,000 for the redemption of the money at the settlement. He consented and it was the intention of the legislators upon their visit of investigation to take the money along and take in exchange the Hawaiian silver. But the legislators forgot all about it when the time came, and the lepers were still left with the Hawaiian coin in their hands.

Then Supt. McVeigh acted. As fast as the Hawaiian money was turned in at the Board of Health store at Kalaupapa he stored it away, and when he came to Honolulu brought it with him making a deposit to the credit of the store, and receiving United States coin in exchange. Announcement was made also that the silver would be redeemed at the store even though not in the ordinary course of trade, and the lepers brought in their little stores of money, receiving gold and silver with the American eagle stamped upon it in exchange. The amounts generally ranged from twenty-five to fifty dollars, and now bright new silver and gold is in circulation at the settlement instead of the Kalakaua coins, which from long use had been worn almost smooth. Some of the lepers, too, received gold as money for the first time.

Of course all the money as it was taken from the settlement was fumigated and disinfected, just like everything else that leaves Kalaupapa, so there wasn't any danger from contagion when it was finally turned in at the bank. Supt. McVeigh said yesterday that all told, there wasn't a hundred dollars of the Kalakaua coin still circulating in the settlement, and he expects to bring that balance down upon his next visit to Honolulu.

Supt. McVeigh has also added to the circulating medium of the settlement five thousand pennies, at the request of the lepers. He said the money was needed for making exact change at the settlement

## EDWIN RODMAN NEWMAN TAKES HIS OWN LIFE

### A Young Business Man Grows Despondent Over a New Enterprise and Ends it All With a Bullet in the Brain.

Edwin Rodney Newman, a well known pharmacist, shot himself through the right temple at his residence in the McCully tract yesterday morning, and died an hour later. Financial troubles, attendant upon the proposed opening of his new drug store on Fort and Hotel streets, coupled with the illness of his wife, are reported to have caused the despondency which induced him to commit suicide. One story is to the effect that the workings of the new pharmacy law would have made it impossible for him to get a license, but this is denied by local druggists, as well as by some of the friends of the unfortunate man.

Newman had been despondent for the past few days and his friends found it hard to cheer him up. He was an old resident of Honolulu, but had been away from the islands for nine years, returning only five months ago. He came to start a drug store and wanted the "Kandy Kafe" corner where he once did business, but he failed to get this. Finally the Kerr shoe store corner at Hotel and Fort streets was procured and he started to fit it up. The project appeared to be running along smoothly up to a few days ago when, it seems, as if Newman found that he did not have sufficient money to start the business. He had invested all his savings in the stock, amounting to \$2500, but still required money for furnishing his store room. His wife and two children arrived on the Siberia on Monday, and Mrs. Newman's illness seemed to have a despondent effect upon him.

Wednesday he was particularly disheartened. He told some of his friends that he was ready to quit the enterprise entirely and would sell his stock for \$1000, though he had paid \$2800 for it. He made an offer to the Benson, Smith Co., and was told that it would be considered, three firms finally agreed to buy the stock for \$3000. Finally one of the local banks offered to loan Mr. Newman what money was needed by him, some \$1200 on the stock, but Newman, against the advice of his friends, refused the tender, and insisted on selling out. No one had any idea, however, that he contemplated suicide, and thought that he would take a more cheerful view of the situation after a night's rest. To one friend also, he told of his difficulty with the new pharmacy law, but this, the friend said, did not worry him much, as he believed that he could pass the examination without any trouble. His lawyer, however, received a different impression. Then also he had secured the services of a pharmacist from the coast, who could have conducted the store. This drug clerk became much disgusted with Newman's fit of "blues" and finally left him on Wednesday. This may have effected Newman to some extent.

Newman's friends did all they could to cheer him up and they succeeded partially, telling him that he had either one of two ways out of his difficulty, he could sell his stock, or continue the store with the money the bank had offered him. Newman was a man who was very fond of his family, and their needs was also held out as a reason why he should not give up. He also was figuring on forming a stock company to take over the enterprise, and the papers had already been drawn up for filing. At any rate, Newman left his place Wednesday evening in a better frame of mind than usual, though he was not aware that, in the meantime, the druggists of the city had held a meeting at which it was agreed to take the stock off his hands. The druggists tried to find him and couldn't.

#### THE FATAL ACT.

Newman hardly slept at all Wednesday night, and eventually lay awake brooding over his troubles. He arose at the usual hour in the morning yesterday, had breakfast with his wife and children, sitting moodily through the meal, and hardly uttering a word. Rising from his chair he went to a trunk that was standing in the hall way, got his revolver and then went to the bath room. A moment later the report of a pistol was heard and when Mrs. Newman reached the room she found her husband upon the floor, with a bullet hole in his right temple. Dr. Herbert was called by a neighbor but could do nothing to aid the injured man, and Newman died in less than an hour without regaining consciousness.

#### THE INQUEST

Deputy Sheriff Chillingworth visited the house immediately after the tragedy, and then summoned a coroner's jury to pass upon the case.

There were but two witnesses at the inquest, Henry Culman and Dr. Herbert.

Culman testified that he lived at the Evans' house, that he heard a scream while there yesterday morning and went to see what it was. He saw Mr. Newman lying down in the bath room, and a revolver at his side. No one was in the bath room other than the deceased. Mrs. Newman was the per-

son who had screamed, according to Culman.

Dr. Herbert's statement was as follows: "I was called at 7 a. m. this 4th day of June at the old McCully residence, King street, and found the deceased, Mr. Newman, lying on the floor, in the bath room, his feet towards the window and head near the door; breathing with difficulty, and blood flowing from wound in right temple, also through nose and down throat.

"On examination found a bullet wound in right temple, passing through and fracturing the base of skull and lacerating the brain. The bullet penetrated through temporal bone into opposite (left) side of head.

"He was quite unconscious. The wound must have been caused by the impact of a pistol pressed close against the head. He died at 7:45 a. m. Death was due to fracture of the base of the skull, with laceration of brain and hemorrhage, caused by a bullet wound through head as described above."

The coroner's jury which was composed of R. B. Kidd, C. J. Day, James Wakefield, C. H. Brown, H. W. Kinney and J. E. Fullerton found "That the said Edwin R. Newman came to his death from injuries to the brain caused by a bullet discharged from a revolver held in the hands of the said Edwin R. Newman, said discharging of said revolver being with suicidal intent."

#### ABOUT THE PHARMACY LAW.

Concerning the report that Newman's suicide was caused by his belief that the pharmacy law debarred him from business, an intimate friend of Mr. Newman said yesterday: "I don't think that was it. Mr. Newman did mention that yesterday but appeared to have arranged matters so there would be no trouble."

"The pharmacy law is the same as that introduced in the legislature five years ago, excepting the one change in the size of the board," said Mr. Geo. W. Smith when questioned regarding the report that Mr. Newman's act was due to his failure to qualify under the new pharmacy law, and that it had been charged that it was aimed directly at him. "Personally Mr. Newman was on friendly terms with me. The law is the same as that in New York and did not pass previously because of lack of understanding of its provisions. This year the other houses asked me to again have the bill prepared, and it was aimed principally at the Japanese. People who had suffered also by the errors of these same careless Japanese made the same request, and the bill was presented to the legislature. Mr. Newman told me on Sunday that he had made arrangements to qualify under the act."

#### BIOGRAPHICAL.

Edwin Rodney Newman was born in Ithica, New York, thirty-nine years ago. He first came to Honolulu as a naval apothecary on the Vandallia, which was afterwards lost at Samoa. In 1889 he returned here and entered the drug store of Benson & Smith. Two years later he organized the Hobron & Newman Co., with T. W. Hobron, and for many years carried on the drug business at the corner of Fort and King streets. Nine years ago he sold out and went to New York where he was engaged in the drug business for a long time, meeting with financial reverses, it is said. He returned to Honolulu in December with the intention of starting in the drug business. At that time also there was a vacancy in the office of shipping commissioner which Newman hoped to get, having the support of several New York congressmen and other influential men. His failure to get the appointment also preyed upon his mind, as he had expected that office to support him, at least partially, while he was starting his business.

In 1893 Mr. Newman was an active member of the Annexation Club.

The funeral services will be held today at the residence of W. W. Hall on Nuuanu street, to whose residence the body was removed yesterday.

#### Mother Gulick Badly Hurt.

The numerous friends of "Mother Gulick" will regret to learn that she is laid up at her home from a fall which occurred on last Tuesday. While no bones were broken one shoulder and side were hurt and the strain was naturally severe as she is within seven months of her one hundredth birthday and fears are entertained that the accident may prove fatal.

Joe King, who was found guilty of using bad language, was sent to jail for ten days by Judge Wilcox yesterday. Patrolman McCormick, charged with drunkenness was fined three dollars and costs. Loo Joe, charged with keeping a gambling house, was discharged.

store and spurned the suggestion that it was his intention to hold a "marked down" sale at the store. He didn't believe, either, that the lepers wanted the pennies for the purpose of playing "penny ante" for anything of that kind. Anyhow the lepers have a job lot of pennies for the first time and they are welcome to use them in whatever manner they please.

## HUMPHREYS REVERSED

### Supreme Court Is Divided Once Again.

By a majority opinion the Supreme Court has reversed the Circuit Court in the action to quiet title of Samuel C. Allen vs. George W. Lucas, Albert H. Lucas, a minor, by his guardian ad litem, J. J. Dunne, and Thos. R. Lucas, Jr., Lydia C. Lucas, Jr., and Norman W. Lucas, minors, by their guardian ad litem, E. M. Watson. Chief Justice Frear writes the opinion, Justice Perry signing it with him. A dissenting opinion is filed by Justice Galbraith, W. A. Whiting, Holmes & Stanley and C. F. Clemons conducted the case for plaintiff, and E. M. Watson and J. J. Dunne for defendants. In its opening the opinion thus states the controversy:

"This is a statutory action to quiet title. It is brought by a mortgagee after default of the mortgagors, against certain other persons, who, it is alleged, claim an estate or interest in the mortgaged land. On demurrer, the Circuit Court ordered the complaint dismissed and plaintiff to pay costs including a fee of \$75 to one of the guardians ad litem and of \$50 to the other, to which order the plaintiff excepted and now brings the case here by writ of error."

The principal point raised is that a mortgagee has not such title or interest as to enable him to bring an action of this kind. Two leading theories of mortgages are discussed by the court. One is the common law theory which regards the mortgage as what it purports to be—a deed defeasible upon the performance of a condition subsequent. The title passes to the mortgagee, who is entitled to possession and may recover it in ejectment, in the absence of an agreement to the contrary, even before default by the mortgagor. After default his title becomes absolute at law and the mortgagor cannot even redeem. But equity after some centuries stepped in and permitted the mortgagor to redeem.

The other is the equitable theory, which the court says is mostly of statutory origin. There are no Hawaiian statutes nor Hawaiian judicial precedents requiring its adoption here. On the contrary, the precedents, so far as they go, point the other way. There has been no usage here that has gone to the extent of showing that a mortgagee has not sufficient title after default of the mortgagor to enable him to protect himself against third parties.

Another question at issue was the payment of fees to the guardians ad litem of the minor defendants ordered against the plaintiff. "As to the merits of the question of fees," the court says, "a court of law has no authority in the absence of statute to allow fees of this kind, in the nature of counsel fees, against a losing party. Such fees may be allowed as necessary expenses in probate out of the estates of the minors themselves, and in some jurisdictions, under statutes, by the court trying the action, but not by that court in the absence of statute and against the opposite party."

"The writ is allowed, the judgment and order below reversed and the case remanded to the Circuit Court for further proceedings consistent with this opinion."

In the syllabus the law of the case is thus declared:

"A mortgagee has sufficient title or interest after default by the mortgagor to enable him to bring a statutory action to quiet title against third parties."

"A court of law cannot, in the absence of statute, allow fees, in the nature of counsel fees, to guardians ad litem to be paid by the opposite parties."

Justice Galbraith maintains that the Hawaiian statute is not so broad as the majority states, and that "the general law requires that the plaintiff in the action to quiet title must hold the legal title." Further along he says:

"A good and sufficient reason in law why a mortgagee cannot, prior to foreclosure and sale, maintain the statutory action to quiet title is that he does not hold the legal title to the land."

Regarding law and precedent in Hawaii he says:

"While we have no statute governing this question there is not wanting here judicial development of the law along the lines contended for by the plaintiff, and it seems to me, that it is only necessary to advance one more step in order to render a statute on the subject entirely superfluous. This step as I understand it, is taken in the majority opinion, namely, holding in effect that a mortgagee conveys to the mortgagor the legal title to the mortgaged premises."

He quotes the Hawaiian decisions in Campbell vs. Kamalopli and Kalkaina-hole vs. Allen, and proceeds thus:

"There is a wide difference between a 'vested interest in land' and the legal title to land. The law of this question ought not, in my opinion, to be developed further by judicial decisions. If a statute on the subject is desirable the legislature and not the court should make it."

The dissenting Justice in conclusion contends that there is a procedure of long usage ample to protect and enforce every right of a mortgagee after default adding: "No satisfactory reason is shown why the plaintiff should not follow this settled procedure instead of experimenting with this statutory action before the title to the land is vested in him."

The judgment and order reversed by the majority were delivered by Judge Humphreys before he resigned office.



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## TO RESCUE THE GIRLS Industrial School Has at Length Taken Form.

At last something is to be done for the care and reclamation of wayward girls in Honolulu, those without parents or guardians or else only such as are unworthy and incompetent. Long has A. T. Atkinson, Superintendent of Public Instruction, strived to have this lamentable omission in local philanthropy filled. Often Judge Wilcox has sagely and sympathetically expressed from the bench his regret that there was no humane manner of dealing with incorrigible and neglected girls brought before him.

An appropriation to establish a girls' industrial school was voted by the Legislature of 1901, but it never became available for the reason that the reformatory for boys could not be vacated for the purpose within the biennial period. Funds were lacking to establish a boys' industrial school in the country, which was the correlative of the scheme on behalf of the girls. Now the boys' establishment is inaugurated at Waialea, on the line of the Oahu railway, the inmates of the old reformatory having been transferred there on May 13. Incidentally it may be said that today there are 69 boys in the institution.

This having been accomplished and an appropriation for the girls' industrial school being available, the renovation of the reform school buildings at Palama for that purpose is now in rapid progress. Yesterday afternoon an Advertiser reporter visited the premises and was shown over them by Miss Rose Davison, school agent for Honolulu, and Mrs. T. H. Gibson, appointed matron of the girls' industrial school at its organization on May 14 by the Board of Education.

The dormitories of the second floor were first inspected. There are two rooms, occupying the greater part of the floor. That in the end next King street is already furnished with 25 iron bedsteads sanitarily painted in white. Mrs. Gibson had kindly made up one of the beds to show its furnishings. These consist of a soft mattress and pillow, upper and under sheets of linen, blanket and white counterpane—the last-mentioned article only to be laid by day as an object lesson in refinement to the girls. The lower part of the walls and window casings are freshly painted in brown, the upper part in light blue and the ceiling in pure white. There are sanitary closets at the rear. Furnishings are on hand for 100 beds in all, the dormitory on the opposite end to that described being larger than the latter. In the front of the second floor is a clothes room, where the clothing of the girls will be locked up nights. They will be allowed only night dress in the dormitories.

On the ground floor the dining room occupies the whole depth of the building on the seaward side. Carpenters and painters were at work on floors and stairways upon this floor, where everything will be renovated the same as upstairs.

At the opposite end the schoolroom is situated, the desks formerly used by the boys needing only to be touched up with plane and brush to be presentable.

Between the dining and school rooms the hospital is located. It will be all painted in white and made mosquito-proof, and furnished with six beds.

In the spacious yard in rear an iron-framed building is being erected, to contain six separate bathrooms with cement floors. The boys had a bathing pool in the open. Part of this building will be used for a clothes-washing room. The girls will have to do their own washing. An ironing room will occupy an old building.

The boys' old carpenter shop in rear of the matron's house will be transformed into a sewing room.

A cluster of dilapidated sheds will be pulled down and a nine-foot fence erected about the grounds.

Besides the baths already mentioned two bathrooms with hot and cold water are placed in one end of the kitchen house, adjacent to the residence, for the use of invalid inmates. Like those in the other baths, the tubs are porcelain-lined. The kitchen is spacious and well-fitted with stove and utensils.

Miss Davison was asked about the program of work in the school and replied:

"We have not yet prepared the program of instruction. It will include hat-making, sewing, washing, cooking and general house work, with of course primary school tuition."

"We bring the girls here to reform them," Miss Davison added, and if they are to be reformed they must have pleasant surroundings, and be taught to cook and take care of a home because they must leave here in time. The great object of the school is to prepare them for lives of respectability and usefulness."

Miss Davison is not afraid that there will not be girls to receive the benefits of the school. She gave one instance of its timeliness in being opened. Miss E. F. Berger, manager of the Associated Charities, the other day, told Miss Feller, principal of the school, that a girl named Alice, who had been a prostitute for several years, had been taken into the Salvation Army and was now being reformed. She was now being reformed and was now being reformed.

When the girls are reformed, they will be able to find work and support themselves. They will be able to find work and support themselves.

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## PUBLIC WORKS IN HANDS OF GEAR ENEMIES IN LOWER HOUSE

(Continued from page 3.)

sence. He argued at length in favor of a strong staff of officials as being conducive to the best interests of the people. Lewis was in favor of striking out, saying the road boards are the superintendents deputies, yet the assistant superintendent is in the habit of going to the districts and doing things directly contrary to the wishes of the people. He also cited the Nuuanu street bridge as an instance of poor estimating, and said one official would do the work better.

Harris said no business house would attempt to ask one man to do work equivalent to that of the Public Works department, without competent assistants. The assistant superintendent, he said, was the government's representative on all contracts. Vida interrupted once to say that the assistant superintendent delegated his duty of inspection to underlings. Harris once said that he did not come to the Legislature thinking he knew it all, ready to instruct men who were heads of departments as to their duties, thereby catching another round of sharp colloquies.

Continuing, Mr. Harris, said the \$4,000,000 of work to be done in the next two years under the general appropriation and loan bills made necessary a competent assistant for all such work has to be done with the approval of the Department. He read the organic act as to the duties of the superintendent and said such work made necessary competent assistance to be well done.

**SHOULD CUT OUT OFFICIALS.**  
Kumalea, Kanoho and Pulaa made characteristic speeches in opposition, Gandall closing the discussion by saying that he would suggest that the arguments would indicate that the members would like to see all officers wiped out except the Governor and let him run the government.

A motion that the committee rise was lost as was one that the consideration be deferred. The item was then stricken out by 16 yeas to 7 noes. The committee rose and reported progress and the House immediately took a recess.

**ONE CLERK IS DROPPED.**

Beginning with the chief clerk of the Public Works department, Kanoho moved to cut the salary from \$1,350 to \$1,200. Kanoho argued that the head of the office had been cut and the clerks should have similar treatment. Harris argued that true economy would be to provide good salaries for the better men and cut out superfluous clerks. The item passed as in the bill. For the assistant clerk Kanoho wanted only \$1,000 instead of \$1,050 but the item was carried as in the bill. The third clerk was made inspector of weights and measures and the fourth clerk cut out, the stenographer being cut to \$600. One messenger was cut out, the other items passing until it came to draughtsmen and others, when Kanoho moved to cut it to \$1,250 instead of \$1,500, aiming to accomplish his purpose. All the items for assistant superintendent clerks, \$1,650, were cut out. The Building Inspector was cut out.

**NO PURCHASING AGENT.**

Vida moved for a new item, purchasing agent, \$1,050, and explained, that the department thought the action advisable. There was a question, it being new legislation, but Vida stuck to the point saying he knew that bugles had been purchased for \$350 when he could buy the same at \$300. Kanoho opposed the plan as he feared such an agent would soon be as bad as those of whom Vida told. Gandall was not quite sure about the matter himself and Vida seeing that there was a long fight withdrew the item.

When the item Pay rolls, roads and bridges, Honolulu, \$10,935.50 was reached Kanoho asked for a special committee which was refused and the item passed as in the bill by 12 to 10. Harris proposed a new item, book-keeper, road supervisor, \$900, saying there now was such an employee, paid out of the general appropriation for roads and bridges. This seemingly innocent little item caused a long debate, some members urging that if the specific salary was passed the amount should be taken away from the general item just passed, for fear there would be an excess of appropriation. Harris explained that it was his intention to ask reconsideration of the road and bridges item. This was done and Harris moved its passage at \$10,935.50. Kuphea moved reference to a special committee so that wages might be specified. The item passed at the reduced rate and then the item for bookkeeper road supervisor, at \$900, was inserted.

Hala wanted a special item for Hana roads and bridges put into the bill but withdrew it.

**SPECIAL COMMITTEE TALK.**

The reading of the garbage service item brought out Kuphea with a motion for a special committee, but after Harris had moved to amend, that no expense be incurred, he was not so eager and the motion failed, the item passing at \$18,120.

From this point rapid progress was made until the Electric Light pay roll was reached and there Aylett suggested a special committee to go over rates of pay which carried Aylett, Gandall and Lewis being on the committee. Pall wanted a committee on Light House keepers pay but he could not get it and things progressed until the gunpowder and keystone oil keeper was reached when there was a pause of which resulted in a cut from \$150 to \$120. The pay of the assistant Light House keeper at Honolulu was raised to \$150. There was a cut over the Hana market keeper whose pay likewise was increased to \$150.

**WATER WORKS SALARIES.**

The Water Works Superintendent's salary passed at \$1,500 but an attempt was made to increase the pay of the chief engineer to \$2,000 which failed.

When the item pay of engineers \$1,000 was reached Vida suggested that there be specified three engineers and the amount made \$2,700 thus giving each engineer \$150 a month. This passed as amended. Vida moved a new item of Assistant superintendent \$1,200, saying that the official now draws his pay from the general expenses. Then the discussion raged. Aylett supported the item, Lewis objected until some one called him a "Hilo Kicker," Fernandez told of a broken pipe in front of his house at midnight last night, and then some one asked what he was doing up at that hour.

Finally Vida withdrew the item saying he wanted to reconsider the superintendent's salary, make the clerk the chief and let him hire assistants out of the general fund. The committee rose, however, and the House then adjourned.

**IN THE SENATE.**

At the opening of the Senate a communication from the House of Representatives told of concurrence in the conference report on the House expense bill. Notification was also received from Secretary Carter that the Governor signed the bill.

**THE BAND ESTABLISHED.**

Senator Isenberg presented the following report of the special committee on the band incidentals item:

"Military—These items we believe to be necessary and recommend that they pass as in the bill.

"Band—We believe that the band should be provided for properly and should be a Territorial band for the following reasons:

"The members of the band having enlisted in the militia is called upon by the President of the United States or the Governor of the Territory of Hawaii to perform any duties under the militia law, will be under the direct control of the Governor as commander in chief or such officer as may be indicated by the President of the United States to have charge of such militia; and if the band were a county band under the supervision of county officials there would be a dual authority and perhaps a conflict of orders or instructions. The band receives nothing in the way of remuneration by belonging to the militia except during five days in the year if called upon to participate in an encampment, when they would receive musicians' pay during those five days.

"If the band were ordered to be at inspection, parade, muster or encampment for any term less than five consecutive days its members would receive no remuneration from the United States Government.

"The advice of all representatives of commercial bodies to our citizens, our Chamber of Commerce and Merchants' Exchange, is to make our Islands and cities as attractive as possible to tourists and investors and the comment is always made that the band provides practically the only pleasure and diversion to what would otherwise be a rather monotonous time after the first two or perhaps three days of sight-seeing which indicates to anyone stopping to think over the matter of how best to advertise, that the band is one of our best assets for that purpose.

"Your committee would therefore recommend that the items in the bill together with an item of \$8,000 for the traveling expenses of the band to the other islands pass."

The report was adopted, thus incorporating the items in question in the bill.

The eighteen months' appropriation bill was resumed on second reading.

**ST. LOUIS EXPOSITION.**

Sensor Dickey moved to insert \$30,000 for the St. Louis Exposition, conditioned that "only such of the same be used as amounts to the unexpended balance of the appropriation for this purpose for the period ending January 1, 1904."

Sensor Achi feared the condition would involve changing the title of the bill. He thought they might trust the Government officers to do the right thing.

"I will trust them to expend \$60,000 if it is appropriated," was Mr. Dickey's comment.

Sensor C Brown gave the opinion that the title would not be affected. The item was inserted as moved.

In the declaratory sections of the bill the amendments proposed by the Judiciary committee were adopted.

**STRONG SAFEGUARD.**

Sensor C Brown moved to insert a new section, No. 6, saying he considered it one of the best amendments proposed at this session. It would prevent any official from making contracts without appropriations by the Legislature, and put an end to the bickering over unfinished contracts and unpaid bills in the Legislature. The amendment was adopted, making the sections in question as follows:

**HEDGING THE TREASURY.**

New section 2 forbids the Auditor to draw a warrant for any of the objects named in the Act except as therein provided, besides expressly prohibiting the expenditure of any money to be hereafter accounted for to the Legislature by indemnity bill.

Section 3 makes it a misdemeanor, punishable by fine of not less than \$50 nor more than \$500 for an official who shall falsely certify a bill or voucher against any item of the Act.

Section 4. No expenditure of public money for the construction or repair of public works (except street or road work) where the amount to be expended shall amount to five hundred dollars (\$500) or more or for the purchase of material, provisions or other supplies for public purposes amounting in the aggregate to five hundred dollars (\$500) or more, shall be made except by contract, after public advertisement for sealed tenders; and no public work or the purchase of material, provisions or supplies for public purposes shall be so divided or parcelled out as to defeat or evade the provisions of this section.

Section 5. The Territorial Board of Public Institutions is hereby authorized to draw on the Treasury for all ap-

## FOR NOT APPOINTING a SUCCESSOR TO W. H. WRIGHT.

In denying the petition for the removal of W. H. Wright as one of the executors of the estate of the late John Wright, Judge Gear stated that at a former hearing he considered that it was his duty to appoint a person in place of W. H. Wright, who, the court found, had abdicated his office and was a fugitive from justice, but that after consideration the court found himself without jurisdiction to appoint an administrator with the will annexed. He found the cases holding that such an administrator could not be appointed where there was an executor acting.

"There are here two executors acting, who are given discretionary powers," the court said in an oral decision, "and either one of them has a right to take any action that all of them would have a right to take."

While concluding that he had no right to appoint Fred Wundenberg in place of the missing executor, the court did not think a sufficient showing was made against his appointment and would appoint him if it had the power. "Finally he says:

"Where executors are given discretion, and are given property which is in the nature of a trust, and given discretion such as given here, an administrator with the will annexed, if he take the office, could not act with that discretion. Such discretion would not pass to an administrator with the will annexed, but I am convinced in any case that an administrator with the will annexed could not be appointed; I would not have jurisdiction, and the appointment would be void. It is so stated in Williams on Executors. Therefore, the petition will have to be denied on those grounds."

**AFIR EXCHANGE.**

A New Back for an Old One  
How It is Done in  
Honolulu.

Sometimes the back aches with a dull, indescribable feeling, making you weary and restless; sometimes pain shoots across the region of the kidneys, and again the loins are so lame to stoop is agony. No use plastering or rubbing the back in this condition. You cannot reach the cause. To exchange a bad back for a new and stronger one, follow the example of this Honolulu citizen:

Mr. A. J. Cahill, of Fort street, this city, night watchman in the employ of Messrs. T. H. Davies & Co., Ltd., says: "Whilst a young man I was a sailor and at one time worked for the 'Water Island' service. I was, however, obliged to give up sea life on account of severe suffering from my back and kidneys. For this I had tried various remedies, but the one which restored me to health was Doan's Backache Kidney Pills—procured at Hollister's Drug Store. They relieved me completely after years of suffering. If any one desires further particulars he may apply to me. I am to be found at Van Dorn's Ship Chandlery, Fort street."

You should get the same medicine which helped Mr. Cahill. See that the full name DOAN'S BACKACHE KIDNEY PILLS is on the wrapper and refuse any imitation.

Doan's Backache Kidney Pills are sold by all chemists and storekeepers at 50 cents per box, six boxes \$2.50, or will be mailed on receipt of price by the Hollister Drug Co., Honolulu, wholesale agents for the Hawaiian Islands.

propositions in this Act contained, providing for current expenses and relative to the management of all institutions and matters which are placed under its control by Chapter 64 of Act 31 of the Session Laws of 1903.

Section 6. All agreements or contracts made and entered into by any officer or employee of the Territory of Hawaii, by or under which public money is to be expended, shall be void and of no effect unless there shall be at the time such agreement or contract is made or entered into, a balance in the fund or appropriation already made for such purposes sufficient to cover the amount involved in such contract or agreement.

**THIRD READING FRIDAY.**

The bill passed second reading, to be read a third time on Friday.

Sensor Achi moved the bill be printed Sensor McCandless did not see the use. Sensor C Brown said it would cost but \$20 for 100 copies, which would be sufficient to supply the House of Representatives with copies. The motion carried.

At 10 35 the Senate adjourned until Friday morning.

Sprains are often more serious than broken bones on account of not being properly treated. Apply Chamberlain's Pain Balm freely as soon as the injury is received and it will quickly restore the parts to a healthy condition. All Dealers and Druggists sell it. Benson, Smith & Co., Agents for Hawaii.

**ENGRAVINGS**  
HAWAIIAN GAZETTE CO.

## All Run Down

When your vitality is low, you are miserable all the time. Your nerves are weak and your appetite is poor. You have no ambition, and you are languid and depressed all the time.



What you need is a good strong tonic, as described by Mrs. H. Austin, of Wellington, New Zealand. She sends her photograph and says:

"I was so weak and tired all the time that I could not sleep at night. Or, if I did sleep, I was as tired in the morning as when I went to bed. I was all run down. I then tried Ayer's Sarsaparilla. After taking two bottles I found myself greatly improved, and soon I was completely restored to health. I think it is a great family medicine."

**AYER'S  
Sarsaparilla**

There are many imitations "Sarsaparillas." Be sure you get Ayer's.

You will improve faster by using Ayer's Pills with the Sarsaparilla. Take just enough each night to have one good, free movement of the bowels the day following.

Prepared by Dr. J. C. Ayer & Co., Lowell, Mass., U.S.A.

HOLLISTER DRUG CO., Agents.

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BEACH**

**RAPID TRANSIT ELECTRIC  
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## ARRIVED.

Tuesday, June 2.  
Stmr. Moana, Carey, from Suva, Brisbane and Sydney, at noon.

## Wednesday, June 3.

S. S. Nevan, Weedon, from Kahului, at 6 a. m.  
Stmr. Kauai, Bruhn, from Kauai ports, at 6:50 a. m., with 3,600 bags sugar, 22 sacks bottles, 2 rollers, 81 pkgs. sundries.

Am. schr. David Evans, Holmstrom, 61 days from Newcastle, at noon.  
Stmr. Lehua, Naopala, from Kaunakakai and Molokai ports, at 5 a. m., with 249 sheep, 100 bags taro.  
Schr. Ka Mo, from Paaulu, Hawaii.  
Schr. C. L. Woodbury, from Hilo.

## DEPARTED.

Tuesday, June 2.  
Stmr. Korea, Seabury, for San Francisco, at 5 p. m.

Stmr. Kinau, Freeman, for Hilo and way ports, at 5 p. m.

Stmr. Claudine, Parker, for Maui ports, at 5 p. m.

Stmr. Mikahala, Gregory, for Kauai ports, at 5 p. m.

Stmr. Noeau, Pederson, for Lahaina, Kaunakakai, Honokaa and Kukuhaele, at 5 p. m.

Gaso. schr. Eclipse, Townsend, for Maui ports, at 5 p. m.

Stmr. Moana, Carey, for Victoria and Vancouver, at 5 p. m.

## Wednesday, June 3.

S. S. Alameda, Dowdell, for San Francisco, at 11 a. m.

Schr. Kawailani, Uluahale, for Koo-las ports, at 8:30 a. m.

Schr. Kaukaeouli, for Paaulu, at 4 p. m.

Stmr. Lehua, Naopala, for Molokai, Maui and Lanai ports, at 5 p. m.

S. S. Oregonian, Cart, for Kahului, at 5 p. m.

Gaso. schr. Eclipse, Townsend, for Maui ports, at 5 p. m.

Am. ship Servia, Nelson, for San Francisco, at 2 p. m.

## PASSENGERS.

Arrived.  
Per stmr. Lehua, June 3, from Molokai ports—Mrs. McCarriston, John McVeigh and 6 deck.

Per stmr. Kauai, June 3, from Kauai ports—Fred Goudie, Mrs. M. Grenland and child, T. R. Robinson, E. T. Tan-natt, A. C. Alexander, Mrs. H. Tha, W. Jencke, H. Loo Kong, Miss A. Anderson, Mrs. W. O. Smith and child.

Master Fred Smith, Master Willie Smith, Sing Kee, C. Chong Hing, Mrs. Kam Sing and 28 deck.

Departed.  
Per stmr. Noeau, for Hamakua, June 2—G. Miller.

Per stmr. Kinau, for Hilo, June 2—M. Lorenz, C. P. Benton, Mrs. L. E. Arneud and child, H. A. Isenberg, Eddie Campbell, Miss Lewis, Miss E. Lewis, Harry K. Brown, Mrs. J. T. Brown, J. T. Brown, Jr., Prof. Curtis J. Lyons, G. Ross, H. Roehrig, C. Lyman, A. Lyman, K. Lee Loy, Jr., for the Volcano; W. H. Bain, James Denman, J. B. Lewis, for Lahaina; Mrs. O'Shaughnessy, for Maalea; Mrs. Col. French, Mrs. Major Harris, Look Chan, Chang Kim, W. T. Rawlins, Miss R. Miller, W. L. Stanley, for Makana; Mrs. T. Burns, Miss L. Burns, Master W. Burns, Genevieve Dowsett, Miss V. Makee, Dr. J. H. Raymond, wife, child and maid; for Kawaihae; A. C. Lovekin, A. B. Lindsay, wife and three children, Earl Williams, Charles Williams, Jr., for Mahukona; Dr. Garvin, W. P. Drake, J. M. Souza, R. Hind, T. Timotea, for Laupahoehoe; Mrs. A. Horner's two children, Mrs. A. Horner.

Per stmr. Claudine, for Kahului, June 2—W. E. Pal and daughter, Miss C. Kauka, Mrs. P. Cockett and son, Master A. Robinson, Master F. Robinson, Father Telephore, C. W. Dickey, wife and two children, Mrs. J. A. Young, Genevieve Young, Harold Young, Miss Kempstead, Harriet Young, Alfred Young, Mrs. W. G. Scott, Miss Freitas, Walter Scott, C. H. Cooke, Mrs. Ottagoni, E. K. Bull, J. M. Coulson, F. G. Douse, H. P. Baldwin, Mrs. C. Gomes, Mrs. M. P. Gomes, Miss M. Gomes, G. H. Baldwin, J. H. Foss, M. V. Silva, for Keane; Miss L. Roback, Miss M. Katalua; for Hana; F. Garcia, Mrs. Pahala, Miss Nan, Haia, Frank Mackenzie, Miss A. Reuter, Kaahu Mackenzie, Harry Dunn, Eugene Dunn, David Desha; for Lahaina; Arnold Richardson, Alexander Richardson, Mary K. Keane, Miss Roback, Chas. Wilcox, Mrs. Ida Dean, C. W. Ashford, A. G. Correa, A. S. Ahlo, H. L. Hudson, J. Trueman.

Per stmr. Lehua, June 2, for Lahaina: A. J. Shaw; for Pukou: Mrs. J. F. Brown; for Kaunakakai: E. Warner and wife.

Per stmr. Kauai, for Kauai and Niihau ports, June 4—A. McBrayde, R. Catton, Rose Akenu, M. Kaubano, Rose Aka, Miss Kapulini, Akene Kalaunola, Mr. Nupakami, A. Kawamoto, James Alexander, L. H. Buckner.

## DUE TODAY.

Stmr. W. G. Hall, from Kona and Maui ports.

The Oceanic steamer Ventura was scheduled to sail from San Francisco yesterday. As no cable advice to the contrary was received by the local agents she is presumed to have sailed.

## THE OLD RELIABLE



THERE IS NO SUBSTITUTE

## BRITISH CABLE SEEKS BUSINESS

The new "All Red" British Cable is trying its best to get an increase of business sufficient to put the cable on a paying basis. A Melbourne dispatch published in an Australian paper says:

Considerable success has already attended the efforts made by the Pacific cable authorities to obtain fresh business in New Zealand. It was recently resolved to take a page out of the Eastern Extension Company's books as far as New Zealand was concerned, and to canvass for business amongst the public. A telegram received to day by the Postmaster-General from the head office of the Pacific cable at Southport, Queensland, conveyed the satisfactory news that since the services of canvassers had been obtained business had largely increased. Certain figures were added which were not intelligible to the officials at the Central Postal Bureau. Senator Drake has now under consideration the advisability of allowing cable customers to open deposit accounts with the Telegraph Office, this being a practice of the Eastern Extension Company which finds much favour with the public. The Postmaster-General, while determined to afford every assistance to the system which is partly owned by the Commonwealth, is in the somewhat anomalous position that he is debarred from allowing his officials to cater for business, as if he did so the Eastern Extension Company could object that the Commonwealth was infringing upon the privileges of that corporation. There is nothing in the cable agreement to prevent the Pacific cable authorities themselves resorting to any legitimate means to secure business. Should they find it advisable to have premises of their own, and also to have private interstate telegraph wires, the Commonwealth would probably raise no objection.

## Shipping Notes.

(From Thursday's daily.)

The Kauai, Lehua and Waialeale arrived yesterday morning from island ports.

The Fearless towed the ship Servia to sea yesterday. She is bound for San Francisco.

The barque West York arrived at Newcastle on May 15 to load coal for Honolulu.

The David Evans arrived yesterday from Newcastle with a cargo of coal for W. G. Irwin & Co.

The steamer Minnetonka from New York is reported to have reached Corral, Chile, on Sunday the 2nd.

The local agents deny the rumored report that the China is to be put on the Honolulu-San Francisco run.

On May 15th the four-masted schooner S. T. Alexander cleared at Newcastle for Honolulu with 1147 tons of coal.

The Chronicle says: The bark Rodrick Dhu, Captain Engalls, sailed yesterday with a general cargo for Hilo.

The C. L. Woodbury from Hilo and the schooner Ka Mo from Paaulu were sighted off Diamond Head at ten o'clock last evening.

The Oregonian sailed shortly before six o'clock last evening for New York via Kahului. She will receive 3,000 tons of sugar at Kahului.

The Edward Sewall was fumigated yesterday and today will be towed outside the reef preparatory to sailing. She finished loading her cargo of sugar yesterday.

The Nevada came in from Kahului early yesterday morning and will sail for the coast on June 9. She loaded 2107 tons of sugar at Kahului and will take on the remainder of a cargo of 560 tons of sugar at the Railway wharf.

Thomas Nadler, an Englishman from Australia, died on the last trip of the Ventura between Honolulu and San Francisco. He was seventy-eight years of age and was ill when he boarded the steamer, dying soon after the vessel left this city.

Purser Simerson reports on Kauai shipping as follows:

"The steamer Ke Au Hou was at Anahulu discharging. The barkentine Hawaii left Eleele Monday, June 1, with 27500 bags sugar. The barkentine Kohala arrived at Eleele yesterday at noon. Fine weather on Kauai, Lumpy seas and northeast winds crossing the channel both ways."

The Kauai sailed last evening for Kauai ports and the Waialeale for Koloa. F. J. Turk has formed a partnership with "Crump" McCarthy and will again engage in business as a shipping master.

The bark Annie Johnson was towed to the Channel wharf yesterday and is being fumigated. She will take a cargo of sugar to San Francisco.

An Australian paper says: The R. M. S. S. Aorangi which arrived at Brisbane from Vancouver recently, on March 26 passed for twelve hours through a sea of pumice. This is supposed to have been an effect of sub-aqueous eruptions.

## NAVY WILL TAKE OVER THE CHANNEL WHARF

Department Instruct Commandant to Request Treasury and Territory to Vacate Immediately.

Sir: I am in receipt of the following cablegram from the Navy Department:

"Notify Commissioner Sargent and Territorial Government to vacate all lands occupied by them belonging to this Department and take possession."

2. You will please be governed accordingly and will remove all property under your care at once from the "Channel" or Quarantine wharf and grounds adjacent thereto, as I will take possession in obedience to this order on Friday, June 12, 1903. Very respectfully yours U. S. G. WHITE,

Civil Engineer, U. S. Navy, Commanding.

What will be the future of the Channel or Quarantine wharf is a matter which will be fought out in Washington immediately. Despite the implication in the act of Congress appropriating money for the erection of an immigration station, that the lands about the channel wharf were to be considered as under the control of the Treasury department, as soon as Commissioner Sargent's decision upon the location of his building becomes known, the Navy Department decides that it will take over the land for its own use.

The decision of the Department was made known to the custodian of government property here, Collector of Customs Stackable, yesterday, when he received the above message.

It is understood the Superintendent of Public Works, Cooper, had a similar notice.

The evident assumption of authority by the Navy department is shown by the wording of the provision in the appropriation bill setting aside \$30,000 for an immigration station. This is in the Sundry Civil measure and reads as follows:

"For the complete establishment of an immigration station and the erection of necessary buildings at Honolulu, Hawaii, on land owned by the United States, adjoining wharf known as Channel wharf, and for each and every purpose connected therewith, and necessary to complete said station in all of its details, within the sum hereby appropriated, thirty thousand dollars."

Commissioner Sargent took this to mean that the President would give to the Treasury department the benefit of the evident wish of congress, that the lands needed about the Channel wharf be used for immigration purposes. It was his intention to make additions to the wharf so that it would be capable of holding the people coming here, as well as containing the fumigating plant of the marine hospital service.

Immediately the demand of Capt. White was made known to the official of the Treasury department the wires were used to acquaint Washington with the status of affairs here. It is said that the demand will not only work great hardship, but will mean the practical confiscation of a valuable plant for the fumigation of imports, as well as making impossible the handling of freight from infected ports.

The quarantine or channel wharf is the only one which has in it a complete fumigating plant, where the incoming cargoes can be handled as the marine hospital service directs. On next Thursday or Friday the Capt. White will come in with a large number of immigrants and a cargo of not less than 400 tons of merchandise, and if the order of the Navy stands there will be no place for the handling of the people or freights, so that the vessel may have to go on to San Francisco without discharging here.

Capt. White, is said to have no other information than is contained in the message quoted, and none of the other federal officials would discuss the mat-

## TO BE OR NOT TO BE FOR COUNTIES.

(Continued from page 1.)

of the regular session complete, as parts of them were in the hands of committees whose receipts thereof he held.

Finally, the court gave him until Monday morning at 10 o'clock to produce the journals for comparison of proceedings with the copies of the bill exhibited.

Mr. Cooper submitted that Senate Bill No. 1 was the only one passed by the Senate on three separate readings, and that the bill signed by the Governor never passed three readings.

Cross examined by the Attorney General, Clerk Savidge said Exhibit D was Senate Bill No. 1 as passed by the Senate on third reading.

Mr. McClanahan objected to the next question as to whether that was the bill that finally passed the Senate as certified by the officers of the House and the Senate, on the ground that the journals were the best evidence of action by the Senate. The Attorney General claimed that both exhibits were Senate Bill No. 1.

Judge Gear asked how was the witness to know what was the difference between the two documents.

Attorney General Andrews contended he had a right to get on record the difference between Exhibits C and D.

Judge Gear having allowed the question witness said Exhibit C was Senate Bill No. 1 as signed by the Governor. The court sustained an objection to further questioning on that line, the Attorney General taking an exception.

Witness said the 48th day's minutes produced were incomplete, wanting insertions of reports, etc. Mr. McClanahan was sustained in objection to the question as to whether the minutes required certification by officers to be complete. Mr. Andrews took an exception and requested witness, next time he appeared, to bring the rules of the Senate. Witness was allowed to withdraw the exhibits subject to the order of the court.

Mr. McClanahan announced that the respondent would put on no more evidence for the present, but was ready to proceed with argument on other points.

Mr. Davis at 3 o'clock began to argue on the submission, that the return showed sufficient cause for dismissing the writ, in that Act 31 was absolutely null and void for the reason that it was in conflict with the Organic Act. He continued until 4 o'clock, when the court adjourned to 10 o'clock this morning.

From what the reporter gathered in the court precincts, the question of investigating the proceedings of the Legislature, behind the certificates of officers, is vitally related to the construction of local laws. In this light, the final decision of the fate of the County Act would turn on the construction by the Federal Supreme Court of Section 46 of the Organic Act above quoted. This is almost word for word the same as a provision of the Constitution of Illinois, where the principle of inquiry behind the official certificates has been affirmed.

A Wyoming case quoted yesterday decided that it was the duty of the courts to inquire whether a law had been passed by a majority of members, and if the contrary were found the law was of no effect.

The first decision of the Federal Supreme Court was that an Act of Congress could not be inquired into, but the reason was that the Constitution does not require it.

Arizona has a statute governing the decision in its case, so that no constitutional requirement was gone into. The question was one of inquiring into whether things were done which the Constitution did not require.

It is interesting to recall the fact that Judge Humphreys overruled Attorney A. G. M. Robertson in a proffer of evidence behind the certificates regarding the validity of an Act of the Legislature of 1901.

## PAIHI CONTRACT IS TEXT FOR PLENTY OF HOUSE ORATORY

(Continued from page 1.)

tion, and that the limit of 1,200 to 2,400 bundles a month, made it optional to pay outside if the minimum had been purchased, in this case 1,500 having been shipped that month by Ka-lua. He reviewed the points of his report at length, being questioned by Long and others at some length.

Kumalee, Andrade, Greenwell and Fernandez took a shy at the question and then Long suggested that the three items of the claim be considered separately.

The first was for 500 bundles of palai recommended by the whole committee, \$641.75, being the total, there was an unanimous vote. The second claim was for \$623.50 for the 500 bundles shipped without order, on when the vote was ayes 17, noes 8. On the third claim for 188 bundles palai, rejected, \$213.05, the vote was ayes 16, noes 9. The last claim for \$24.50, for 46 bundles rejected as "lollolli," was refused by the House. This reduced the total of the claim to \$1,468.10.

This completed the work on the items and the administrative sections were passed, as was the title.

The recapitulation shows the following:

Judiciary department	\$12,560.80
Treasury department	7,530.35
Department Public Works	168,999.80
Department Public Instruction	8,589.08
Board of Health	3,745.38
Secretary's office	128.50
Attorney General's office	4,148.00
Total	\$205,700.86

The committee rose and recommended the passage of the amended bill the full report to be made today. The House then adjourned.

As each one has taken his superior in Washington into his confidence and asked what shall be done. The Health authorities are making a big fight, so that there may be full protection for the people here against any possible landing of merchandise or persons from infected ports, without complete sterilization.

It is being argued that the Navy has absolutely no use for the spit which runs out alongside the harbor, has no appropriation to improve it and can make no disposition of the Channel wharf, but to close it up and wait for some time in the future when use may arise. Representations to this effect are being made to Washington, and it is the expectation that the President will take the lands out of the hands of the Navy and place them under control of the Treasury department.

## SEWALLS GETTING READY TO SAIL

The Edward Sewall was towed outside the reef yesterday morning by the Fearless and will sail within a day or two. She shipped a new crew at this port.

The sailors from the Arthur Sewall were discharged yesterday and paid off through the shipping commissioner. None of them had any complaints to make, so the commissioner said. The Arthur Sewall will also ship a new crew here.

## SCOTT'S EMULSION

makes pale, thin children fat and chubby. Overcomes wasting tendencies and brings back rosy cheeks and bright eyes.

It's surprising how quickly children respond to Scott's Emulsion. It contains just the element of nourishment their little bodies need. They thrive on it.

Even a few drops in the baby's bottle have a noticeable effect for good. Nothing better than Scott's Emulsion for growing children.

Why do substitutes for Scott's Emulsion cost less? Because they're worth less. With one you wait in vain for the benefits you had looked for. In Scott's Emulsion you get them. It never disappoints. That's worth the few cents difference in cost.

We'll send you a sample free upon request.

SCOTT & BOWNE, 409 Paul Street, New York.

## BY AUTHORITY

## TERRITORY OF HAWAII

Treasurer's Office, Honolulu, Oahu. In re Dissolution of the Judd & Company, Limited.

Whereas, the Judd & Company, Limited, a corporation established and existing under and by virtue of the laws of the Territory of Hawaii, has pursuant to law in such cases made and provided, duly filed in this office, a petition for the dissolution of the said corporation, together with a certificate thereto annexed as required by law.

Now, therefore, notice is hereby given to any and all persons that have been or are now interested in any manner whatsoever in the said corporation,

that objections to the granting of this said petition must be filed in this office on or before 9 o'clock a. m., July 15th, 1903, and that any person or persons desiring to be heard thereon must be in attendance at the office of the undersigned, in the Capitol Building, Honolulu, at 9 o'clock a. m., of said day, to show cause, if any, why said petition should not be granted.

A. N. KEPOIKAI,  
Treasurer Territory of Hawaii,  
Honolulu, May 6th, 1903. 2437

## COURT NOTICES

## UNEIA ESTATE

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT, TERRITORY OF HAWAII—IN PROBATE—AT CHAMBERS.

In the Matter of the Estate of Kiliina Uneia (w), late of Kalaupapa, Molokai, Decedent.—Order of Hearing and Publication of Notice for Probate of Will.

A Document purporting to be the Last Will and Testament of Kiliina Uneia, deceased, having on the 6th day of May, A. D. 1903, been presented to said Probate Court, and for the Issuance of Letters of Administration with Will Annexed to Jno. T. Uneia having been filed by said John T. Uneia:

It is hereby ordered, that Friday, the 12th day of June, A. D. 1903, at 10 o'clock a. m., of said day, at the Court Room of said Court, at Walluku, Maui, be and the same hereby is appointed the time and place for proving said Will and hearing said application.

Dated Walluku, Maui, T. H., May 6th, 1903.

By the Court: L. R. CROOK, Clerk.

2436—May 12, 19, 26.

## ALLEN ESTATE

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT, TERRITORY OF HAWAII—AT CHAMBERS—IN PROBATE.

In the Matter of the Estate of Samuel Cleason Allen, late of Honolulu, Oahu, deceased testate.—Order of Notice of Hearing Petition for Probate of Will.

A Document purporting to be the Last Will and Testament of Samuel Cleason Allen, deceased, having on the 18th day of May, A. D. 1903, been presented to said Probate Court, and for the Issuance of Letters Testamentary to Bathsheba M. Allen, Mark P. Robinson, Joseph O. Carter and Paul Muhlendorf having been filed by said Bathsheba M. Allen, widow of decedent:

It is hereby ordered, that Monday, the 8th day of July, A. D. 1903, at 10 o'clock a. m., of said day, at the Court Room of said Court, at the Judiciary Building in Honolulu, Island of Oahu, Territory of Hawaii, be and the same hereby is appointed the time and place for proving said Will and hearing said application.

It is further ordered, that notice thereof be given, by publication, once a week for four successive weeks, in the Hawaiian Gazette and Hawaiian Star, semi-weekly and daily newspapers respectively, published in said Honolulu, the last publication to be not less than ten days previous to the time therein appointed for hearing.

Dated at Honolulu, Oahu, Territory of Hawaii, May 20th, A. D. 1903.

J. T. DE BOLT,

First Judge, Circuit Court, First Circuit, Territory of Hawaii.

Attest: P. D. KELLET, JR., Clerk.

Kinney, McClanahan & Bigelow, attorneys for Petitioner.

2439—May 22, 29, June 5, 12, 19.

## FORECLOSURES

## LILLOE.

MORTGAGEE'S NOTICE OF INTENTION TO FORECLOSE AND OF FORECLOSURE SALE.

In accordance with the provisions of a certain mortgage made by Lillioe (K) to W. R. Castle, Trustee, dated October 5, 1897, recorded 171, page 341, notice is hereby given that the mortgagee intends to foreclose the same for condition broken, to wit: non-payment of interest and principal when due.

Notice is likewise given that after the expiration of three weeks from the date of this notice, the property covered by said mortgage will be advertised for sale at public auction, at the auction rooms of Jas. F. Morgan, in Honolulu, on the 6th day of June, 1903, at 12 noon of said day.

Further particulars can be had of W. R. Castle, attorney for mortgagee.

Dated Honolulu, May 8, 1903.

W. R. CASTLE, TRUSTEE, Mortgagee.

The premises covered by said mortgage consist of:

That certain piece or parcel of land situate in Ooma, North Kona, Hawaii, and covered by homestead lot No. 51 on which was issued Grant No. 3805 to Kahinu, containing 14.80 acres.

W. R. CASTLE, TRUSTEE, Mortgagee.

For further particulars apply to W. R. Castle or W. L. Whitney, attorneys for Mortgagee.

## NOTICE TO CREDITORS

## HONS ESTATE.

Notice is hereby given that the undersigned has this day been duly appointed Executor of the last Will and Testament of George Hons, late of Walluku, Maui, deceased, by order of the Judge of the Circuit Court, Second Circuit, Territory of Hawaii, and all creditors of said deceased are hereby notified to present their claims duly authenticated with the proper vouchers, if any exist, even if the claim is secured by mortgage upon real estate, to the undersigned at his place of business at the office of the Kahului Railroad Company, Kahului, Maui, Territory of Hawaii, within six months from the first publication of this notice. All claims not presented as aforesaid will be forever barred.

Dated at Walluku, Maui, Territory of Hawaii, May 14th, 1903.

FERDINAND HONS, Executor of the Last Will and Testament of George Hons, deceased.

James L. Coke, Attorney for said estate.

2438—May 19, 26, June 2, 9